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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

FRANCISCO SIERRA,

 Plaintiff,

 v.

M.E. SPEARMAN, *et al.*,

 Defendants.

Case No. 1:17-cv-01691-EPG (PC)

**GRANTING MOTION TO WITHDRAW
CONSENT TO MAGISTRATE JUDGE
JURISDICTION**

(ECF No. 9)

Francisco Sierra (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff commenced this action by the filing of a complaint on December 15, 2017. (ECF No. 1). On January 18, 2018, Plaintiff filed a form consenting to have a United States Magistrate Judge conduct all further proceedings in this case. (ECF No. 8). Plaintiff now seeks to withdraw his consent to the jurisdiction of the United States Magistrate Judge. (ECF No. 9).

A party to a federal civil case generally has a constitutional right to proceed before an Article III judge, but this right may be waived, allowing parties to consent to a Magistrate Judge for all further proceedings pursuant to 28 U.S.C. § 636(c)(1). *Dixon v. Ylst*, 990 F.2d 478, 479-80 (9th Cir. 1993). However, “[t]here is no absolute right, in a civil case, to withdraw consent to trial and other proceedings before a magistrate judge.” *Id.* at 480. “Once a civil case is referred to a magistrate judge under 28 U.S.C. § 636(c), the reference can be withdrawn only ‘for good cause

1 shown on its own motion, or under extraordinary circumstances shown by any party.” *Dixon*,
2 990 F.2d at 480; 28 U.S.C. § 636(c)(4).

3 Plaintiff explains that he seeks to withdraw consent because his consent was filed in error.
4 Plaintiff’s explanation does not present an “extraordinary circumstance” that would warrant
5 withdrawal of consent. Nevertheless, the Court finds good cause to allow Plaintiff to withdraw his
6 consent as it was filed in error. Accordingly, Plaintiff’s motion is granted.

7 The Clerk of the Court is directed to strike Plaintiff’s Consent to Jurisdiction of US
8 Magistrate Judge, (ECF No. 8), filed on January 18, 2018.

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10 IT IS SO ORDERED.

11 Dated: March 8, 2018

/s/ Eric P. Gray
12 UNITED STATES MAGISTRATE JUDGE

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