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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARK SHANE THOMPSON,  
  
Plaintiff,  
  
v.  
  
A. GOMEZ, et. al.,  
  
Defendants.

No. 1:18-cv-00125-JLT-SAB (PC)  
  
**ORDER REGARDING PARTIES  
CONSENT TO, DECLINE TO, OR  
WITHHOLD CONSENT TO UNITED  
STATES MAGISTRATE JUDGE  
JURISDICTION WITHIN **FOURTEEN (14)  
DAYS****

This matter is currently ready to proceed to jury trial on Plaintiff's excessive force claim against Defendants Gomez, Weiss, Sazo, and Gray, and on Plaintiff's related failure to intervene claim against Defendants Johnson and Busby, all of which arise from a takedown incident that took place on May 30, 2017.

Neither party has filed a consent or decline to magistrate judge jurisdiction.

The Fresno Division of the Eastern District of California now has the heaviest District Judge caseload in the entire nation. Though the Court will use its best efforts to resolve this case in a timely manner, the parties are admonished that their needs and expectations may not be met as expeditiously as desired.

District Judges are now setting multiple trials to begin upon the same date, and as a result parties may find their case trailing with little notice before the trial begins. The law requires the Court give any criminal case priority over civil trials and other matters, and the Court must

1 proceed with criminal trials even if a civil trial is older or was set earlier. Continuances of civil  
2 trials under these circumstances will no longer be entertained, absent a specific and stated  
3 finding of good cause. If multiple trials are scheduled to begin on the same day, this civil trial  
4 will trail day-to-day or week-to-week until completion of any criminal case or older civil case.

5 The parties are advised of the availability of a United States Magistrate Judge to conduct  
6 all proceedings in this action. A United States Magistrate Judge is available to rule upon  
7 dispositive motions and conduct trials, including entry of final judgment, pursuant to 28 U.S.C.  
8 § 636(c), Federal Rule of Civil Procedure 73, and Local Rule 305. The magistrate judges of this  
9 District are well-qualified and experienced and will set the matter for trial quickly.

10 The Court will direct the Clerk of the Court to provide the parties with the Court's  
11 standard form to consent to or decline Magistrate Judge jurisdiction. Within 14 days of this  
12 order's date of service, the parties shall either consent to or decline Magistrate Judge  
13 jurisdiction by filling out the requisite forms and returning them to the Court.

14 The parties are advised that they are free to decline or withhold consent without any  
15 adverse substantive consequences. The Court also does not take any position on the merits of  
16 any claim or defense in this case by issuing this order. Accordingly,

17 1. The Clerk of the Court is DIRECTED to send to the parties a copy of the  
18 consent/decline form and the instructions for consenting to or declining Magistrate Judge  
19 jurisdiction.

20 2. **Within 14 days** from the date of service of this order, the parties **SHALL**  
21 complete and return the consent/decline form.

22  
23 IT IS SO ORDERED.

24 Dated: **April 21, 2022**

  
UNITED STATES DISTRICT JUDGE