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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARRY ROBERTS,

 Petitioner,

 v.

RON DAVIS, Warden, San Quentin
State Prison,

 Respondent.

No. 2:93-cv-00254-TLN-KJN

ORDER

Petitioner Larry Roberts (“Petitioner”) initiated this habeas action with a motion for appointment of counsel and stay of execution in 1993. The Petition is currently assigned to Judge Nunley and Magistrate Judge Newman. Former Magistrate Judge Dale A. Drozd had been assigned to the case from 1997 until his confirmation as a district judge in October 2015. Through the Motion for Reassignment (“Motion”) presently before the Court, Petitioner requests that Judge Drozd be reassigned as the district judge for this case. For the reasons that follow, Petitioner’s Motion is GRANTED.

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1 Local Rule 120(f) provides that the Court may transfer an action to another venue
2 within the District for good cause. Petitioner contends that good cause exists to reassign
3 this case to District Judge Drozd because his familiarity with the action from his time as a
4 magistrate judge will result in a more efficient resolution. Defendant argues to the
5 contrary that any efficiency gains that may result from assigning Judge Drozd as the
6 district judge for this matter are purely speculative. Furthermore, Defendant contends
7 that the assignment of district court judges to cases on which they previously sat as
8 magistrate judges is undesirable under Ninth Circuit precedent.

9 The Court finds that there is good cause to reassign this case to Judge Drozd.
10 Judge Drozd presided over this matter as a magistrate judge for more than eighteen
11 years. He has conducted several multi-day hearings, issued countless orders, and is
12 intimately familiar with the abundant evidence at issue in this case. Even Defendant
13 admits that it would take a newly assigned Magistrate Judge four days or more to review
14 the evidence necessary to issue findings and recommendations for Judge Nunley's
15 review. See ECF No. 531 at 4-5 (asserting that a newly assigned magistrate would have
16 to read 342 pages of transcripts and watch three to four days of video depositions to
17 issue findings and recommendations). This Court has one of the heaviest caseloads in
18 the nation, and Judge Drozd's familiarity with the issues in this case will undoubtedly
19 result in a more efficient and swiftly-issued disposition. The increased efficiency that will
20 come from reassigning Judge Drozd to this case is significant not only to this Court, but
21 also to Petitioner, who has waited 22 years for a decision in this case.

22 The Ninth Circuit's decision in Dawson v. Marshall, 561 F.3d 930 (9th Cir. 2009)
23 does mandate a different decision. Indeed, the Dawson panel held that there is no law
24 or constitutional right that prevents district court judges from reviewing cases on which
25 they previously sat as magistrate judges. Id. at 933. Furthermore, the concern that
26 motivated the Dawson panel to caution against assigning new district judges to cases
27 they handled as magistrates is not present here. In Dawson, the reassigned district
28 judge ruled on the findings and recommendations that he issued as a magistrate judge.

1 Id. at 932. In contrast, Judge Drozd has not issued findings and recommendations in
2 this case. This Court has previously reassigned a case to a district judge that sat on that
3 case as a magistrate where reassignment would not have required the district judge to
4 review her own recommendations on dispositive matters and where there was good
5 cause for reassignment. Osband v. Warden, No. 2:-97-cv-0152-WBS-GGH, ECF
6 No. 583 at 2 (E.D. Cal. 2011). That is also the case here, and Petitioner's Motion for
7 Reassignment (ECF No. 530) is accordingly GRANTED. This case is hereby reassigned
8 to District Judge Dale A. Drozd for disposition.

9 IT IS SO ORDERED.

10 Dated: December 8, 2015

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14 MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT