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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFF C. AIDNIK,

Plaintiff,

No. CIV S-09-0154 FCD KJM P

vs.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

ORDER

Plaintiff is a state prison inmate proceeding pro se with a civil rights action under 42 U.S.C. § 1983. On January 26, 2009, plaintiff consented to this court’s jurisdiction. Docket No. 4. However, on October 21, 2009, plaintiff declined this court’s jurisdiction. Docket No. 25. On the same day, plaintiff filed a document entitled “Motion: To Set Aside Order.” He asks that an unspecified order be “set aside as i request in the beginning for this to be heard by the district judge in and at the start of this case’s.” Docket No. 26 (reproduced as in original).

When plaintiff revoked his consent to this court’s jurisdiction, a district judge was assigned to the case. Docket No. 27. Plaintiff’s motion suggests that he is seeking to have the magistrate judge removed from the case. Under 28 U.S.C. § 636 and Local Rule 302(c)(17), this court will continue to hear non-dispositive and dispositive motions, though the latter will be addressed on findings and recommendations and then referred to the assigned district judge.

1 Plaintiff has requested an extension of time to respond to defendants' discovery  
2 requests pursuant to the court's order of October 15, 2009. He alleges that he is able to visit the  
3 law library only two days a week and is struggling with the medical terminology in the requests.  
4 Defendant objects although the basis of the objection is not entirely clear; it may be that he does  
5 not believe he will have sufficient time to prepare any motion to compel should the extension be  
6 granted. Because he has not described the nature of his opposition with specificity, defendant's  
7 opposition does not defeat plaintiff's showing of good cause.

8 IT IS HEREBY ORDERED that:

9 1. To the extent plaintiff seeks to have the undersigned removed from any  
10 proceedings in this case, his motion to have this court's orders set aside (docket no. 26) is  
11 denied;

12 2. Plaintiff's motion for an extension of time (Docket No. 30) is granted; and

13 3. Plaintiff is granted thirty days from the date of this order in which to respond  
14 to defendant's discovery requests.

15 DATED: December 16, 2009.

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17 U.S. MAGISTRATE JUDGE

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