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

ARCHIE A. MARTINEZ,

No. CIV S-09-0680-CMK-P

Plaintiff,

vs.

ORDER

G. HOOVER, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. On March 23, 2009, plaintiff’s consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) was filed with the court. Defendants have not filed a consent or request for reassignment as previously ordered. Plaintiff now seeks to withdraw that consent (Doc. 42) in order to challenge the undersigned’s decision not to refer this case for voluntary assistance of counsel, either through the civil rights clinic or direct appointment of counsel.

As consent has not been received from all parties to this action, and the matter is therefore not before the undersigned as the presiding judge for all purposes, plaintiff may withdraw his consent without demonstrating good cause or extraordinary circumstances. See 28 U.S.C. § 636(c); Dixon v. Ylst, 990 F.2d 478, 480 (9th Cir. 1993).

1 Accordingly, in the interest of justice, the court grants plaintiff's request to
2 rescind his consent, and plaintiff's consent to the jurisdiction of the undersigned magistrate judge
3 is deemed withdrawn. The Clerk of the Court shall randomly assign a District Judge to this case
4 and update the docket to reflect the new case number.

5 IT IS SO ORDERED.

6
7 DATED: May 12, 2011

8 
9 **CRAIG M. KELLISON**
10 UNITED STATES MAGISTRATE JUDGE