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

RICKY CARTER,

No. CIV S-09-1719-CMK-P

Petitioner,

vs.

ORDER

JAMES A. YATES,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The parties are informed that they may, if all consent in writing, have this case assigned to a United States Magistrate Judge for all purposes while preserving their right to appeal any final judgment directly to the United States Court of Appeals for the Ninth Circuit or, where appropriate, to the United States Court of Appeals for the Federal Circuit. See 28 U.S.C. § 636(c)(1), (3); see also Fed. R. Civ. P. 73(b)(1); E.D. Cal. Local Rule 73-305(a), (c). The parties are advised that they are free to withhold consent and that doing so shall not result in any adverse substantive consequences. See § 636(c)(2). If all parties consent to Magistrate Judge jurisdiction, the action will be reassigned to the undersigned for all purposes, including entry of final judgment. See Local Rule 73-301 and Local Rule 73-305(b).

1 A review of the record reflects that all parties to this action have not filed a
2 written election regarding consent to the exercise of full jurisdiction by a Magistrate Judge.
3 Specifically, while petitioner has filed a form consenting to Magistrate Judge jurisdiction,
4 respondent has not filed a consent election form. The Clerk of the Court will be directed to
5 provide respondent with the appropriate form which respondent shall then complete, indicating
6 either consent or non-consent as he may choose, and file with the court.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. The Clerk of the Court is directed to forward to respondent the court's
9 "Notice of Availability of a Magistrate Judge to Exercise Jurisdiction and Appeal Instructions"
10 along with the accompanying consent election form; and

11 2. Respondent shall complete and file the consent election form within 30
12 days of the date of this order.

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14 DATED: August 27, 2009

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16 **CRAIG M. KELLISON**
17 UNITED STATES MAGISTRATE JUDGE
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