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

JOSE DEJESUS RODRIGUEZ,

Plaintiff,

No. 2:09-cv-02195 KJN

vs.

UNKNOWN-NAMED DISCIPLINARY
HEARINGS AGENT A.K.A. "SERGEANT
SIMMONS," et al.,

Defendants.

ORDER

_____ /

Presently before the court is plaintiff's August 13, 2010 filing stating that plaintiff declines to consent to the jurisdiction of a magistrate judge. (Dkt. No. 62.) However, plaintiff previously filed a document nearly a year ago voluntarily consenting to the jurisdiction of a magistrate judge for all further proceedings in this case, pursuant to the provisions of 28 U.S.C. § 636(c)(1).¹ (Dkt. No. 7.) To the extent that this recent filing could be construed as a motion or request to withdraw plaintiff's prior consent, the court hereby denies this request.

Plaintiff has shown neither good cause nor extraordinary circumstances meriting

¹ Because plaintiff and defendants have consented to the jurisdiction of a magistrate judge, on August 11, 2010 District Judge Frank C. Damrell, Jr. ordered this case reassigned to the undersigned magistrate judge for all purposes. (Dkt. No. 61.) On August 12, 2010, the undersigned accepted the reference of this case for all further proceedings. (Id.)

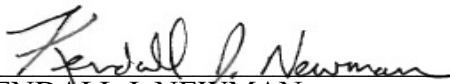
1 withdrawal of the reference in this action. Dixon v. Ylst, 990 F.2d 478, 480 (9th Cir. 1993)
2 (“Once a civil case is referred to a magistrate judge under section 636(c), the reference can be
3 withdrawn by the court only ‘for good cause shown on its own motion, or under extraordinary
4 circumstances shown by any party.’”). “There is no absolute right, in a civil case, to withdraw
5 consent to trial and other proceedings before a magistrate judge.” Id.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff’s August 13 filing (Dkt. No. 62) seeking to decline the jurisdiction of
8 a magistrate judge is DENIED without prejudice; and
9 2. The Clerk of Court is directed to modify the docket to reflect that this action
10 will proceed as a Consent case.

11 **IT IS SO ORDERED**

12 DATED: August 16, 2010

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16 KENDALL J. NEWMAN
17 UNITED STATES MAGISTRATE JUDGE
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