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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 MARCO ANTHONY TALAMANTES, No. CIV S-09-3547-CMK-P

12 Petitioner,

13 vs.

ORDER

14 RANDY GROUNDS,

15 Respondent.  
16 \_\_\_\_\_/

17 Petitioner, a state prisoner proceeding with retained counsel, brings this petition  
18 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

19 The parties are informed that they may, if all consent in writing, have this case  
20 assigned to a United States Magistrate Judge for all purposes while preserving their right to  
21 appeal any final judgment directly to the United States Court of Appeals for the Ninth Circuit or,  
22 where appropriate, to the United States Court of Appeals for the Federal Circuit. See 28 U.S.C.  
23 § 636(c)(1), (3); see also Fed. R. Civ. P. 73(b)(1); E.D. Cal. Local Rule 305(a), (c). The parties  
24 are advised that they are free to withhold consent and that doing so shall not result in any adverse  
25 substantive consequences. See § 636(c)(2). If all parties consent to Magistrate Judge  
26 jurisdiction, the action will be reassigned to the undersigned for all purposes, including entry of

1 final judgment. See Local Rule 301 and Local Rule 305(b).

2 A review of the record reflects that all parties to this action have not filed a  
3 written election regarding consent to the exercise of full jurisdiction by a Magistrate Judge.  
4 Specifically, while respondent has consented (see Doc. 10), petitioner has not made any election.  
5 The Clerk of the Court will be directed to provide petitioner with the appropriate form which the  
6 parties shall then complete, indicating either consent or non-consent as he may choose, and file  
7 with the court.

8 Accordingly, IT IS HEREBY ORDERED that:

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

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

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15 DATED: May 12, 2010

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