

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MABLE STEINER,

 Plaintiff,

 v.

VERIZON WIRELESS,

 Defendant.

No. 2:13-cv-1457-KJN PS

ORDER

After all parties consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c) (ECF Nos. 12, 21, 36), this action was referred to the undersigned for all further proceedings and entry of final judgment on May 13, 2014. (ECF No. 38.) That same day, plaintiff filed a form declining to consent to the jurisdiction of a United States Magistrate Judge, which the court construes as a request to withdraw her prior consent to the undersigned’s jurisdiction. (ECF No. 39.)

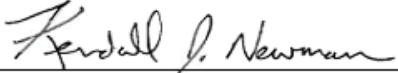
The Ninth Circuit Court of Appeals has held that “[o]nce a civil case is referred to a magistrate judge under section 636(c), the reference can be withdrawn by the court only for good cause shown on its own motion, or under extraordinary circumstances shown by any party.” Dixon v. Ylst, 990 F.2d 478, 480 (9th Cir. 1993). Here, plaintiff has not shown any extraordinary circumstances warranting withdrawal of the reference to the undersigned. Plaintiff consented to the jurisdiction of a United States Magistrate Judge on two prior occasions in this case (ECF Nos.

1 12, 21), and there is no indication that such consent was somehow coerced or otherwise
2 involuntary. It appears that plaintiff's present attempt to withdraw consent was based on the
3 court's indication at the hearing on defendant's motion to dismiss that the case would be
4 dismissed. However, dissatisfaction with the court's ruling is not grounds for withdrawal of
5 consent, and such opportunistic procedural maneuvering would be prejudicial to defendant and
6 not in the interests of justice.

7 Accordingly, plaintiff's request to withdraw her prior consent to the undersigned's
8 jurisdiction (ECF No. 39) is DENIED.

9 IT IS SO ORDERED.

10 Dated: May 15, 2014

11 
12 _____
13 KENDALL J. NEWMAN
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28