



1 (1974). While 42 U.S.C. § 1983 does not expressly provide for the right to a jury trial, *see City of*  
2 *Monterey v. Del Monte Dunes at Monterey, Ltd.*, 526 U.S. 687, 707 (1999), the Supreme Court  
3 has held that such an action “seeking legal relief is an action at law within the meaning of the  
4 Seventh Amendment,” *id.* at 709.

5 Rule of Civil Procedure 38 and Local Rule 201 govern the procedure for when a demand  
6 is made for a jury trial. Federal Rule of Civil Procedure 38 provides in the relevant part:

7 (b) Demand. On any issue triable of right by a jury, a party may  
8 demand a jury trial by . . . serving the other parties with a written  
9 demand—which may be included in the pleadings—no later than 14  
10 days after the last pleading directed to the issue is served . . . .

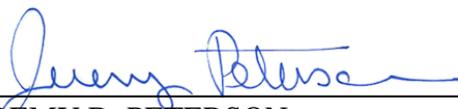
11 (d) Waiver; Withdrawal. A party waives a jury trial unless its  
12 demand is properly served and filed. A proper demand may be  
13 withdrawn only if the parties consent.

14 Defendant filed an answer with a demand for a jury trial, ECF No. 36 at 5, and has not  
15 withdrawn his demand for a jury trial, ECF No. 63. Therefore, because defendant has a right to a  
16 jury trial in this action and he has complied with the procedures for demanding a jury trial,  
17 plaintiff’s motion is denied.

18 Accordingly, it is hereby ORDERED that plaintiff’s motion for a bench trial, ECF No. 62,  
19 is DENIED.

20 IT IS SO ORDERED.

21 Dated: March 4, 2025

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24 JEREMY D. PETERSON  
25 UNITED STATES MAGISTRATE JUDGE  
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