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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

DANIEL LLOYD HOWARD,
Petitioner,
v.
PEOPLE OF THE STATE OF CALIFORNIA,
Respondent.

Case No. 16-cv-4759-NJV (PR)
ORDER DENYING MOTION TO WITHDRAW CONSENT
Dkt. No. 9

Petitioner, a California prisoner, filed a pro se motion for a stay with respect to a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Docket No. 1. Petitioner consented to the jurisdiction of a Magistrate Judge. Docket No. 5. The court dismissed the motion to stay without prejudice to allow petitioner to present additional arguments. The court informed petitioner that he must file an underlying federal habeas petition setting forth any exhausted claims he wishes to present and the unexhausted claims that he seeks to exhaust.

Petitioner has not submitted any additional filings but has filed a motion to withdraw his consent to a Magistrate Judge. There is no absolute right in a civil case to withdraw consent to trial and other proceedings before a magistrate judge. *See Dixon v. Ylst*, 990 F.2d 478, 480 (9th Cir. 1993). Once a civil case is referred to a magistrate judge under § 636(c)), the reference can be withdrawn by the court only for good cause shown on its own motion, or under extraordinary circumstances shown by any party. *See id.* (citing 28 U.S.C. § 636(c)(6)). Petitioner has not shown good cause or extraordinary circumstances. He only argues that he needs additional time to prepare his filings.

Petitioner’s motion to withdraw consent (Docket No. 9) is **DENIED**, and he will be

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provided an extension of time. The additional filings must be filed within **fifty-six (56) days** of the date this order is filed. Failure to amend within the designated time will result in the dismissal of this action.

IT IS SO ORDERED.

Dated: December 16, 2016



NANDOR J. VADAS
United States Magistrate Judge