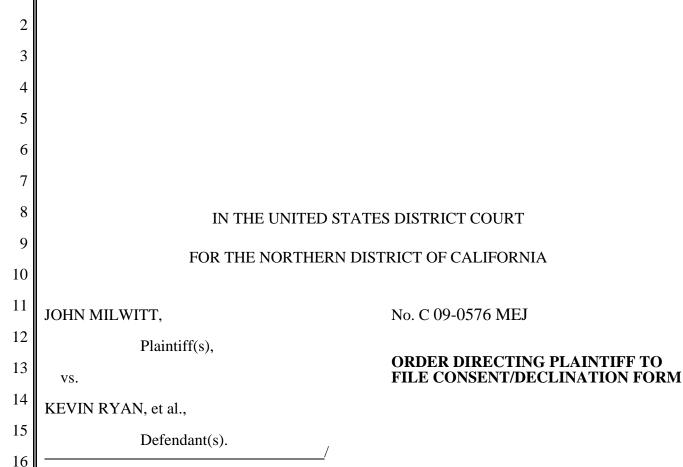
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Pending before the Court is Plaintiff John Milwitt's Application to Proceed In Forma 18 Pauperis. Upon review of the record in this action, the Court notes that Plaintiff has not filed a 19 20 written consent to Magistrate Judge James' jurisdiction or a request for reassignment to a United 21 States District Court judge for trial. This civil case was randomly assigned to United States Magistrate Judge Maria-Elena James for all purposes including trial. In accordance with Title 28, 22 U.S.C. § 636(c), the magistrate judges of this District Court are designated to conduct any and all 23 24 proceedings in a civil case, including a jury or non-jury trial, and to order the entry of final 25 judgment, upon the consent of the parties. An appeal from a judgment entered by Magistrate Judge James may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same 26 manner as an appeal from any other judgment of a district court. 27

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You have the right to have your case assigned to a United States District Judge for trial and

United States District Court For the Northern District of California

Plaintiff consents to Magistrate Judge James' jurisdiction or requests reassignment to a United States District Judge for trial. The consent/declination form shall be filed as soon as possible, but no later than March 5, 2009. IT IS SO ORDERED. Dated: February 12, 2009 MARIA-ELENA AMES United States magistrate Judge

disposition. Accordingly, Plaintiff shall inform the Court, by way of the enclosed form, whether

| 1 | IN THE UNITED STATES DISTRICT COURT |
|----|---------------------------------------------------------------------------------------------------|
| 2 | FOR THE NORTHERN DISTRICT OF CALIFORNIA |
| 3 | TOR THE NORTHERN DISTRICT OF CALL ORDER |
| 4 | JOHN MILWITT, No. C 09-0576 MEJ |
| 5 | Plaintiff(s), |
| 6 | VS. |
| 7 | KEVIN RYAN, et al., |
| 8 | Defendant(s). |
| 9 | |
| 10 | |
| 11 | CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE |
| 12 | In accordance with the provisions of 18 U.S.C. § 636(c), the undersigned party hereby |
| 13 | consents to have a United States Magistrate Judge conduct any and all further proceedings in this |
| 14 | case, including trial, and order the entry of final judgment, and voluntarily waives the right to |
| 15 | proceed before a United States District Judge. |
| 16 | |
| 17 | Dated: Signed by: |
| 18 | Counsel for: |
| 19 | |
| 20 | REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE |
| 21 | The undersigned party hereby declines to consent to the assignment of this case to a |
| 22 | United States Magistrate Judge for trial and disposition, and hereby requests the reassignment of |
| 23 | this case to a United States District Judge. |
| 24 | |
| 25 | Dated: Signed by: |
| 26 | Counsel for: |
| 27 | |
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| 1 | UNITED STATES DISTRICT COURT |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2 | FOR THE |
| 3 | NORTHERN DISTRICT OF CALIFORNIA |
| 4 | |
| 5 | |
| 6 | JOHN MILWITT, Case Number: CV09-0576 MEJ |
| 7 | Plaintiff, CERTIFICATE OF SERVICE |
| 8 | v. |
| 9 | KEVIN RYAN, et al., |
| 10 | Defendant. |
| 11 | · · · · · · · · · · · · · · · · · · · |
| 12 | I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. |
| 13 | That on February 12, 2009, I SERVED a true and correct copy(ies) of the attached, by placing |
| 14 | said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office |
| 15 | delivery receptacle located in the Clerk's office. |
| 16 | John Milwitt |
| 17 | 708 North Gravenstein Hwy Sebastopol, CA 95472 |
| 18 | |
| 19 | Dated: February 12, 2009 |
| 20 | Richard W. Wieking, Clerk By: Brenda Tolbert, Deputy Clerk |
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United States District Court For the Northern District of California