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3 UNITED STATES DISTRICT COURT  
4 Northern District of California  
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6 JAMES W. JAMES

7 Plaintiff(s),

No. C 09-05149 MEJ

8 v.

9 THE UNITED STATES OF AMERICA

**ORDER DIRECTING PLAINTIFF TO  
FILE CONSENT/DECLINATION  
FORM**

10 Defendant(s).  
\_\_\_\_\_ /

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12 Pending before the Court is Plaintiff's in forma pauperis application. Upon review of the  
13 record in this action, the Court notes that Plaintiff has not filed a written consent to Magistrate Judge  
14 James' jurisdiction. This civil case was randomly assigned to Magistrate Judge James for all  
15 purposes including trial. In accordance with Title 28, U.S.C. § 636(c), the magistrate judges of this  
16 district court are designated to conduct any and all proceedings in a civil case, including trial and  
17 entry of final judgment, upon the consent of the parties. An appeal from a judgment entered by  
18 Magistrate Judge James may be taken directly to the United States Court of Appeals for the Ninth  
19 Circuit in the same manner as an appeal from any other judgment of a district court.

20 You have the right to have your case assigned to a United States District Judge for trial and  
21 disposition. Accordingly, Plaintiff shall inform the Court, by way of the enclosed form, whether he  
22 consents to Magistrate Judge James' jurisdiction or requests reassignment to a United States District  
23 Judge for trial. The consent/declination form shall be filed by than November 17, 2009.

24 **IT IS SO ORDERED.**

25 Dated: November 3, 2009

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27 Maria-Elena Jones  
28 Chief United States Magistrate Judge

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES W. JAMES

No. C 09-05149 MEJ

Plaintiff(s),

vs.

THE UNITED STATES OF AMERICA

Defendant(s).

\_\_\_\_\_ /

**CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 18 U.S.C. § 636(c), the undersigned party hereby consents to have a United States Magistrate Judge conduct any and all further proceedings in this case, including trial, and order the entry of final judgment, and voluntarily waives the right to proceed before a United States District Judge.

Dated: \_\_\_\_\_

Signed by: \_\_\_\_\_

Counsel for: \_\_\_\_\_

**REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition, and hereby requests the reassignment of this case to a United States District Judge.

Dated: \_\_\_\_\_

Signed by: \_\_\_\_\_

Counsel for: \_\_\_\_\_

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JAMES W. JAMES

Plaintiff,

v.

THE UNITED STATES OF AMERICA

Defendant.

Case Number: 09-05149 MEJ

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 3, 2009, I SERVED a true and correct copy(ies) of the attached, by placing 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 delivery receptacle located in the Clerk's office.

James W. James  
15355 Bittern Court  
San Leandro, CA 94579

Dated: November 3, 2009

Richard W. Wieking, Clerk  
By: Brenda Tolbert, Deputy Clerk

**UNITED STATES DISTRICT COURT  
For the Northern District of California**

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