

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
NORTHERN DISTRICT OF CALIFORNIA

STEVEN J. HAYS,

No. C09-5247 EMC

Plaintiff,

v.

**ORDER DIRECTING PLAINTIFF TO
SUBMIT NEW CONSENT OR
DECLINATION FORM**

CALIFORNIA HIGHWAY PATROL and
THE STATE OF CALIFORNIA,

Defendants.

On February 23, 2010, Plaintiff Steven J. Hays submitted to this Court a Conditional Consent to Proceed Before a United States Magistrate Judge stating that "I am agreeing to this type of disposition in this case provided I do not need to attend, as I am extremely indigent and cannot attend proceedings. I also reserve my right appeal the decision of this magistrate judge." This order is to clarify that the Court will take consideration of plaintiff's hardship in attending proceedings in person and will allow plaintiff to appear by telephone from time to time. However, this Court cannot promise Plaintiff that he does not need to appear in person throughout the whole proceedings. In all likelihood, he will have to attend some proceedings. In addition, if all parties consent, all parties shall have the same right to appeal as they would were this case assigned to a District Judge. Plaintiff shall submit the attached consent form if he agrees to the clarification stated above. Otherwise, he shall submit the declination form on or before March 9, 2010.

IT IS SO ORDERED.

Dated: February 23, 2010



EDWARD M. CHEN
United States Magistrate Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 STEVEN J. HAYS,
5 Plaintiff,

Case Number: CV09-05247 EMC

CERTIFICATE OF SERVICE

6 v.

7 CALIFORNIA HIGHWAY PATROL et al,
8 Defendant.

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

11 That on February 23, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

15 Steven J. Hays
16 20909 Dawn Hill E. Road
17 Gentry, AR 72734



18 Dated: February 23, 2010

Richard W. Wieking, Clerk
By: Betty Lee, Deputy Clerk