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28**\*E-FILED 10-14-2011\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SHAHZAD AHMED,

No. C11-02426 HRL

Plaintiff,

**ORDER RE CONSENT TO  
JURISDICTION**

v.

JUNIPER NETWORKS,

Defendant.  

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Plaintiff filed his complaint, along with an application to proceed in forma pauperis (IFP) and a request for the appointment of counsel. Shortly after, he filed his consent to the undersigned's jurisdiction pursuant to 28 U.S.C. § 636(c). (Dkt. No. 5). This court denied the IFP application and denied (without prejudice) the request for appointment of counsel. In a subsequently filed case management statement, plaintiff now indicates that he does not consent to proceed before a magistrate judge for all purposes, including trial. (Dkt. No. 11 at 9).

Withdrawal of consent to the jurisdiction of a magistrate judge in civil cases is not permitted except in extraordinary circumstances. "Once a civil case is referred to a magistrate judge under [28 U.S.C.] section 636(c), the reference can be withdrawn by the court only for good cause shown on its own motion, or under extraordinary circumstances shown by any party." Dixon v. Ylst, 990 F.2d 478, 480 (9th Cir. 1993) (internal quotes omitted); 28 U.S.C. § 636(c)(4). "There is no absolute right, in a civil case, to withdraw consent to trial and

1 other proceedings before a magistrate judge.” Dixon, 990 F.2d at 480.

2 Plaintiff has not provided any reason why he should be permitted to withdraw his  
3 consent. What appears to be happening here is plaintiff consented, obtained rulings he did not  
4 like, and now seeks to withdraw his consent. However, 28 U.S.C. § 636(c) does not  
5 contemplate conditional consent. And, dissatisfaction with some of the court’s rulings is not  
6 grounds for withdrawal of consent.

7 Plaintiff has not provided the court with any extraordinary circumstances, advised that  
8 his consent was somehow involuntary, or given any other reason why he should be permitted to  
9 withdraw his consent to the undersigned’s jurisdiction. He may have until **November 4, 2011**  
10 in which to advise the court of any such circumstances. If plaintiff fails to respond or provides  
11 an inadequate response, his subsequent declination to this court’s jurisdiction will be deemed  
12 invalid.

13 Pending resolution of this issue, the case management conference set for October 18,  
14 2011 is continued to November 29, 2011, 1:30 p.m.

15 SO ORDERED.

16 Dated: October 13, 2011

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19 HOWARD R. LLOYD  
20 UNITED STATES MAGISTRATE JUDGE  
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1 A copy of this document mailed to:

2 Shahzad Ahmed  
3 5744 Jean Drive  
4 Union City, CA 94587

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