

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
SOUTHERN DISTRICT OF CALIFORNIA

ROBERT MARK BROWN II,
Inmate Booking No. 11181259,

Plaintiff,

v.

WILLIAM D. GORE; FRANK C.
CLAMSER; DEPUTY #1; DEPUTY
VILLAREALL; DEPUTY #3; DEPUTY
WEBBER; DEPUTY #5,

Defendant.

Civil 12-CV-1938-GPC (BGS)
No.

**ORDER DENYING AS MOOT
PLAINTIFF'S MOTION FOR TRIAL
BEFORE DISTRICT JUDGE**

[ECF No. 116.]

On October 11, 2013, Plaintiff Robert Mark Brown II, a prisoner proceeding *pro se* and *In Forma Pauperis* (“IFP”) in this civil rights action, filed a Motion for Trial Before District Judge. [ECF Nos. 116.] In the motion, Plaintiff claims he mistakenly consented to magistrate judge jurisdiction during the preparation of his complaint on the advice of fellow inmates. *Id.* at 4. Plaintiff notes Defendants have not consented to magistrate judge jurisdiction for all purposes and contends erroneously that this case is proceeding under Magistrate Judge Skomal without the required consent of all parties. *Id.* Plaintiff’s assertion is incorrect.

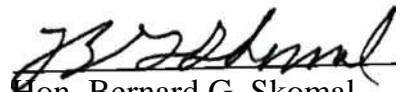
Civil Local Rule 72.1(b) authorizes the magistrate judge to “hear and determine *any pretrial motions*, including discovery motions, other than dispositive motions” as provided under 28 U.S.C. § 636(b)(1)(A). *See* Civ. L.R. 72.1(b). Similarly, this Court’s Local Civil Rule 26.1 refers all discovery matters, including motions to compel and motions to quash subpoenas, as non-dispositive

1 matters for hearing and final disposition. *See* Civ. L.R. 26.1(e); *In re Application of Chevron Corp.*
2 *v. E-Tech, International*, 2010 WL 3584520, *3 (S.D. Cal. 2010).

3 The various pretrial and discovery motions decided to date by Magistrate Judge Skomal in
4 this matter were referred under the Local Rules identified above. Furthermore, Judge Skomal does
5 not have jurisdiction over this matter for all purposes. The district judge assigned to this case is the
6 Honorable Gonzalo P. Curiel. A pretrial conference and trial date will be set in front of Judge Curiel
7 in due course with the issuance of a scheduling order. *See* Civ. L.R. 16.1 (d)-(e) (authorizing the
8 judicial officer to set pretrial deadlines including a trial date); Civ. L.R. 72.3(e) (authorizing the
9 magistrate judge to “conduct all necessary hearings” even when parties withhold their consent to
10 magistrate judge jurisdiction for all purposes). Accordingly, Plaintiff’s Motion for Trial before
11 District Judge is **DENIED AS MOOT**.

12 **IT IS SO ORDERED.**

13 DATED: February 13, 2014

14 
15 Hon. Bernard G. Skomal
16 U.S. Magistrate Judge
17 United States District Court
18
19
20
21
22
23
24
25
26
27
28