

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-03024-CMA-KLM

DONALD GARCIA,

Plaintiff,

v.

BRIAN WEBSTER, in his individual capacity,
BRIAN WEBSTER, physician's assistant, in his official capacity,
KEVIN MILLYARD, in his individual capacity,
KEVIN MILLYARD, Warden, in his official capacity,
STOCK, in his individual capacity,
STOCK, physician's assistant, in his official capacity,
GOLDEN, in his individual capacity,
GOLDEN, doctor, in his official capacity,
FORTUNATO, in his individual capacity,
FORTUNATO, doctor, in his official capacity,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Petition to Amend and Rescind Order to Direct U.S. Magistrate Jurisdiction on Case Number 09-cv-03024-CMA-KLM** [Docket No. 15; Filed February 9, 2010] (the "Motion").

On January 29, 2010, pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States Magistrate Judge to conduct all further proceedings in this case. [Docket No. 14]. The Magistrate Judge may exercise jurisdiction only with the consent of all parties. D.COLO.LCivR 72.2D. Defendants have not consented. Moreover, because consent must be voluntary, Plaintiff should be permitted to withdraw his consent. Accordingly,

IT IS **ORDERED** that the Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction [Docket No. 14] is **STRICKEN**. The record will reflect that Plaintiff does not consent to the jurisdiction of the United States Magistrate Judge.

Because there is no Order assigning the case to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c), IT IS FURTHER **ORDERED** that the Motion is **DENIED**.

Dated: February 10, 2010