

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 11-cv-03233-REB-CBS

ROGER HOPPE II, a resident of Michigan,

Plaintiff,

v.

PERCHERON ASSOCIATES, LLC, a Delaware limited liability company, and  
RONDA S. CANTER, an individual and resident of Massachusetts,

Defendants

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**ORDER**

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**Blackburn, J.**

The matter is before me for consideration on the **Consent To The Exercise of Jurisdiction By a United States Magistrate Judge** [#19]<sup>1</sup> filed February 27, 2012, by the defendants. I construe the notice as an attempt by the defendants to consent to the disposition by a United States Magistrate Judge. However, the putative consent of the defendants does not conform to the requirements of D.C.COLO.LCivR 72.2D.

The notice and consent of the defendants implicate 28 U.S.C. § 636(c)(1), Fed. R. Civ. P. 73, and D.C.COLO.LCivR 72.2D. In relevant part, 28 U.S.C. § 636(c)(1) provides:

Upon the consent of the parties, a full-time United States magistrate judge or a part-time United States magistrate judge who serves as a full-time judicial officer may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially

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<sup>1</sup> “[#19]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s electronic case filing and management system (CM/ECF). I use this convention throughout this order.

designated to exercise such jurisdiction by the district court or courts he serves.

Relatedly and relevantly, Fed. R. Civ. P. 73(a) provides:

**Trial by Consent.** When authorized under 28 U.S.C. § 636(c), a magistrate judge may, if all parties consent, conduct a civil action or proceeding, including a jury or nonjury trial.

Finally, D.C.COLO.LCivR 72.2D., which was amended effective December 1, 2011, provides:

**Unanimous Consent; Determination.** To consent to the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c), all parties shall complete and file a Consent to the Exercise of Jurisdiction by a United States Magistrate Judge form (see Appendix M).

If the defendants intend to consent voluntarily to have the United States magistrate judge currently assigned to this case conduct all further proceedings in the case, including the trial, then they must voluntarily and knowingly complete and sign the “Consent to the Exercise of Jurisdiction by a United States Magistrate Judge” that appears at the bottom of the “Notice of Availability of a United States Magistrate Judge To Exercise Jurisdiction,” which is Appendix M to the Local Rules of Practice of the United States District Court for the District of Colorado-Civil, as amended effective December 1, 2011.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Consent To The Exercise of Jurisdiction By a United States Magistrate Judge** [#19] filed February 27, 2012, is **REJECTED** without prejudice; and
2. That if the defendants intend to consent voluntarily to have the United States

magistrate judge currently assigned to this case conduct all further proceedings in the case, including the trial, then defendants must voluntarily and knowingly complete and sign the "Consent to the Exercise of Jurisdiction by a United States Magistrate Judge" that appears at the bottom of the "Notice of Availability of a United States Judge To Exercise Jurisdiction," which is Appendix M to the Local Rules of Practice of the United States District Court for the District of Colorado-Civil, as amended effective December 1, 2011, in the time specified in D.C.COLO.LCivR 72.2D.

Dated February 29, 2012, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge