

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00457-CBS

DAVID PEREZ,
Plaintiff,

v.

DENVER FIRE DEPARTMENT
CITY AND COUNTY OF DENVER,
Defendant.

ORDER WITHDRAWING ORDER

Magistrate Judge Shaffer

This matter comes before the court for review of its status pursuant to Title 28 U.S.C. § 636(c), Fed. R. Civ. P. 73, and D.C. COLO.LCivR 40.1., regarding direct assignment of cases to Magistrate Judges. This civil action was randomly assigned to a full time United States Magistrate Judge of this District to conduct all proceedings in this civil action, including trial, and to order the entry of a final judgment. (See Doc. # 2). Exercise of this jurisdiction by a Magistrate Judge, however, is permitted only if all parties voluntarily consent to the reference under 28 U.S.C. § 636(c). All parties must either consent to the exercise of magistrate judge jurisdiction, or any party may decline to consent. Consent to magistrate judge jurisdiction is voluntary, and no adverse consequence shall result if consent is declined. In either event, filing of the Consent/Non-Consent Form is mandatory, indicating either the unanimous consent of the parties or that at least one party has declined to consent. Here, the parties have not filed the attached Consent/Non-Consent Form at the earlier of (1) no later than seven days before the scheduling conference, if any; or (2) 45 days after the filing of the first response, other than an answer, to the operative complaint. Accordingly, IT IS ORDERED that:

1. The court's Order dated December 22, 2015 (Doc. # 16) is VACATED.
2. Defendants' Motion to Dismiss (filed July 23, 2015) (Doc. # 7) is REINSTATED.
3. The Status Conference set for January 25, 2016 at 2:30 p.m. will proceed as scheduled.

DATED at Denver, Colorado, this 15th day of January, 2016.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge