

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JUDY BEERMAN,

Plaintiff,

v.

Case No: 2:17-cv-326-FtM-99CM

SUPPORT DOGS, INC.,

Defendant/Third-Party
Plaintiff

SUSAN BLUEHS,

Third-Party Defendant.

ORDER¹

This matter comes before the Court on review of the Notice, Consent, and Reference of a Civil Action to a Magistrate Judge ([Doc. 35](#)) filed on August 14, 2017. Plaintiff Judy Beerman and Defendant Support Dogs, Inc. have signed the consent to have this case referred to a U.S. Magistrate Judge to conduct all proceedings. On August 11, 2017, a Clerk's Default was entered against Third-Party Defendant Susan Bluehs for failure to appear. Susan Bluehs did not join in the form, nor is there any indication that she was provided notice of it.

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.


A magistrate judge may exercise the authority to issue a final judgment only if *all* parties voluntarily consent. 28 U.S.C. § 636(c) (emphasis added). Here, Third-Party Plaintiff Support Dogs, Inc. still asserts claims against Susan Bluehs; thus, she is still a party whose voluntary consent is required. Therefore, the Court will deny the request for reference without prejudice to renewing the request after disposition of Susan Bluehs by voluntary dismissal or a default judgment.

Accordingly, it is now

ORDERED:

The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge (Doc. 35) is **DENIED WITHOUT PREJUDICE** to renewing the request after disposition of Third-Party Defendant Susan Bluehs by voluntary dismissal or a default judgment.

DONE and **ORDERED** in Fort Myers, Florida this 15th day of August, 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record