

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

KEITH STEWART (#98926)

VERSUS

CIVIL ACTION

MRS. SENG, ET AL

NUMBER 09-17-JJB-SCR

RULING ON MOTION TO ASSIGN CASE FOR TRIAL

Before the court is the plaintiff's motion for Rule 40 Assignment of Case for Trial. Record document number 45. The motion is opposed.<sup>1</sup>

Plaintiff moved to have the case assigned for trial. A review of the docket sheet showed that there are two dispositive motions pending.<sup>2</sup> The case will be assigned for a final pretrial conference after the dispositive motions have been decided. Thereafter, the case will be assigned for trial in due course by the district judge.<sup>3</sup>

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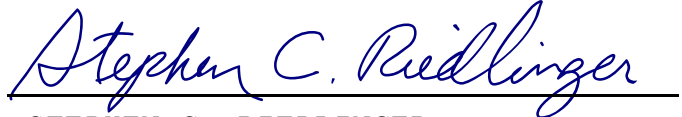
<sup>1</sup> Record document number 47.

<sup>2</sup> Record document numbers 22 and 35.

<sup>3</sup> In her answer defendants Dr. Preeti Singh demanded a jury trial. Record document number 20. Plaintiff stated in his motion that he consents to proceed before a U.S. Magistrate Judge pursuant to 28 U.S.C. § 636(c). However, unless the defendant also consents, § 636(c) does not authorize a magistrate judge to conduct a jury trial.

Accordingly, the plaintiff's motion for Rule 40 Assignment of Case for Trial is denied.

Baton Rouge, Louisiana, September 9, 2009.



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STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE