

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

**GWENDOLYN A.
ATKINS**

CIVIL ACTION

VERSUS

NO. 11-47-RLB

**SOUTHEAST COMMUNITY
HEALTH SYSTEMS**

ORDER

This matter was filed on January 25, 2011 and assigned to District Judge Ralph E. Tyson and Magistrate Judge Docia L. Dalby. The parties named in the original complaint unanimously consented to proceed before a United States Magistrate Judge in accordance with 28 U.S.C. § 636(c). The matter was subsequently stayed for over two years due to certain criminal proceedings in state court.

On October 8, 2014, a motion to reopen the case was filed by the Plaintiff. The case was reassigned to the undersigned as the presiding judicial officer. Discovery and pretrial deadlines, as well as the trial date, were set by the undersigned.

On April 15, 2015, leave to file an Amended Complaint was granted and Plaintiff's First Amended Complaint was filed. (R. Doc. 38). Two new defendants were added to this matter. Although these new parties have now appeared, there is nothing in the record to reflect that all parties consent to disposition of this case by a United States Magistrate Judge. *See Murrett v. City of Kenner*, 894 F.2d 693 (5th Cir. 1990); *Caprera v. Jacobs*, 790 F.2d 442 (5th Cir. 1986).

In order to determine whether all parties consent to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c), and in order to protect the voluntariness of each parties' consent, all parties are hereby notified that they may consent to allow a United States Magistrate Judge of

this district to conduct any and all proceeding, including trial of the case and entry of a final judgment. In the event all parties consent to proceed before a Magistrate Judge, the attached consent form must be filed with the court electronically, but **ONLY AFTER ALL PARTIES HAVE SIGNED THE FORM**. Previously executed consent and partial consents are not acceptable. The parties should be aware that the decision to consent, or not to consent, to the disposition of the case before a United States Magistrate Judge is entirely voluntarily.

If all of the parties consent to proceed before a Magistrate Judge, then the consent form signed by all parties shall be filed **within 14 days of this Order**. Should such unanimous written consent not be filed, the Clerk of Court will assign this matter to a District Judge¹ in this district as the presiding judicial officer and the undersigned will remain as the Magistrate Judge.

Signed in Baton Rouge, Louisiana, on November 4, 2015.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE

¹ The district judge originally assigned to this matter is no longer an active judge.

**NOTICE OF RIGHT TO CONSENT TO DISPOSITION OF
CIVIL CASE BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. 636(c), you are hereby notified that all of the parties in this civil case may consent to allow a United States Magistrate Judge of this district court to conduct any and all proceedings, including trial of the case and entry of a final judgment.

You may consent by signing the attached form should you decide to proceed before the United States Magistrate Judge. A copy of a consent form is enclosed and is also available from the clerk of court. In the event all parties consent to proceed before the Magistrate Judge, the signed consent form must be filed with the court electronically, but **ONLY AFTER ALL PARTIES HAVE SIGNED THE FORM.**

You should be aware that your decision to consent, or not to consent, to the disposition of your case before a United States Magistrate Judge is entirely voluntary. Either the district judge or the magistrate judge may again advise the parties of the availability of the magistrate judge, but in doing so, shall also advise the parties that they are free to withhold consent without adverse consequences.

Please note that the parties may appeal the magistrate judge's decision directly to the court of appeals in the same manner as an appeal from any other judgment of the district court.

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CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. 636(c), the parties to the above captioned civil proceeding hereby waive their right to proceed before a United States District Judge and consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including but not limited to the trial of the case, and order the entry of judgment in the case.

The parties are aware that in accordance with 28 U.S.C. 636(c)(3), any aggrieved party may appeal from the judgment directly to the United States Court of Appeals for the Fifth Circuit in the same manner as an appeal from any other judgment of the district court.

Date	Party Represented	Pro Se or Atty. Name	Pro Se or Atty. Signature