

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ARTHUR B. CAPONEGRO,

Plaintiff,

v.

**THE UNITED STATES DEP'T OF
HOUSING AND URBAN
DEVELOPMENT, et al.,**

Defendants

Civ. No. 15-cv-3431 (KM)

MEMO and PROCEDURAL ORDER

Plaintiff has filed a document entitle "Plaintiff's Declination to Magistrate Judge Jurisdiction." (ECF no. 22) He states that he "declines to have magistrate Hon. Judge Hammer conduct any and all future proceedings in this case," and requests that I hear all matters. He cites 28 U.S.C. § 636(b).

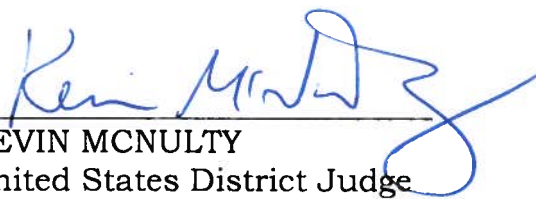
The statute cited by the plaintiff, 28 U.S.C § 636, grants Magistrate Judges broad powers to perform acts in connection with administration of the case. In doing so, the Magistrate Judge acts under the authority of the District Judge, and his rulings are subject to appeal to the District Judge.

A party cannot unilaterally opt out of proceedings before the Magistrate Judge and demand to deal solely with the District Judge. Plaintiff may be referring to trials before a Magistrate Judge that require consent under 28 U.S.C. § 636(c), but that is not at issue here.

So, to avoid any misunderstanding:

IT IS this 4th day of March, 2016

ORDERED that all parties shall cooperate with the Magistrate Judge's administration of the case and shall attend conferences as ordered. Failure to do so will place a party in jeopardy of dismissal for failure to prosecute its case.



KEVIN MCNULTY
United States District Judge