



3 no reason for withdrawal of consent other than it no longer consented)). "Once valid consent to  
4 proceed before a magistrate judge is given pursuant to 28 USC § 636(c), a party has no absolute right  
5 to withdraw that consent and demand his right to an Article III judge." Carter, 818 F.2d at 1021.  
6 "There is no absolute right to withdraw a validly given consent to trial before a magistrate judge and  
7 such motions may be granted only on a showing of good cause or extraordinary circumstances. [A]  
8 plaintiff does not have a basis for having consent withdrawn just because he changed his mind"  
9 Brumley v. Livingston, 2010 WL 3169353, \*8 (E.D. Tex. Aug. 9, 2010).

10 In the case at bar, the interests of justice are best served by holding plaintiff to her original  
11 consent. The undersigned Article III judge presently has scheduled for October 12 trial in Civil Case  
12 08-1703(GAG) , as well as the instant case. Just six calendar days later, on October 18, 2010, the  
13 court has set for trial Criminal 09-312 (GAG) and Civil No. 08-2398(GAG). And, scheduled for  
14 November 1, 2010 are Civil cases 08-1420 (GAG), 08-1724(GAG) and 08-2326(GAG). In this  
15 extremely congested district, both on the civil and criminal dockets, it is thus extremely important  
16 for the court to effectively manage its caseload. This allows the parties and to have their day in  
17 court at a firm date. Because it is frequent that judges of this court may have scheduled more than  
18 one trial for a same date, magistrate judges are an effective alternative for litigants. Here, because  
19 Civil Case 08-1703(GAG) is older than the present case, should both cases ultimately proceed to  
20 trial (likely the case, absent a last minute settlement), the present case will have to be continued sine  
21 die. Allowing plaintiff to withdraw her consent will, thus, do no justice to defendants and herself.  
22 More important, given the above, plaintiff in her motion has not demonstrated extraordinary  
23 circumstances to withdraw her valid consent.

24 Finally, the court notes that the fact that the case will not be tried on October 12, does not  
25 mean that Judge Mc Giverin will not set an expedited trial date. From defendants' motion (docket  
26 134), it appears that on or after November, defendants' attorneys are available (although they prefer  
27 the case to be tried early next year). The parties are thus at liberty to agree to a mutually convenient  
28 trial date.

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**Civil No. 08-2387 (GAG/BJM)**

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**SO ORDERED.**

In San Juan, Puerto Rico this 15<sup>th</sup> day of September, 2010.

*s/ Gustavo A. Gelpi*

GUSTAVO A. GELPI

United States District Judge