

Consent To Proceed Before a United States Magistrate Judge

Many litigants do not know that under 28 U.S.C. § 636 and Fed. R. Civ. P. 73, they may consent to have a United States Magistrate Judge resolve the entire case.

How Consent Jurisdiction Works

When a civil action is filed in this District, it is randomly assigned to a District Judge or a Magistrate Judge. In cases initially assigned to a Magistrate Judge, the Clerk of the Court sends each party a consent form. This gives the parties an early opportunity to have a Magistrate Judge assume complete jurisdiction over the case. In the event a party declines to consent, the Clerk of the Court will randomly reassign the case to a District Judge.

In cases initially assigned to a District Judge, the parties may, in their Joint Status Report, indicate they wish to consent to Magistrate Judge jurisdiction over the case. Based on the parties' consent, the Court may thereafter reassign the case to the Magistrate Judge.

If all parties consent to Magistrate Judge jurisdiction, the Magistrate Judge will have the same jurisdictional authority as a District Judge, will preside over all matters, and enter final judgment. Any judgment or final order of a magistrate judge to whom the parties have consented may be appealed to the Court of Appeals for the Ninth Circuit in the same manner an appeal is taken from any judgment entered by a District Judge.