

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

James Michael Fayed v. Secretary of CDCR, et al.

Fayed · No. 2:25-cv-2877 CSK P · Decided November 5, 2025

SUMMARY

The United States District Court for the Eastern District of California addresses the plaintiff’s motion to vacate his consent to magistrate judge jurisdiction and to reassign the case solely to a district judge. The court recommends granting withdrawal of consent under 28 U.S.C. § 636(c), because no defendants had consented or appeared, but recommends denying reassignment solely to a district judge because the case remains referred to a magistrate judge for pretrial matters under § 636(b) and the court’s local rules.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 5, 2025
DOCKET	2:25-cv-2877 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner moved to vacate his consent to magistrate-judge jurisdiction under 28 U.S.C. § 636(c) and to reassign the case solely to a district judge. The magistrate judge issued an order and findings and recommendations.
STANDARD OF REVIEW	Discretionary review of a motion to withdraw consent before all parties have consented to magistrate-jurisdiction proceedings; withdrawal before all-party consent does not require a showing of good cause or extraordinary circumstances.
PRECEDENTIAL VALUE	Unknown; order and findings and recommendations from a federal district court, with no reporter citation.

TOPICS

- civil procedure
- prisoners rights
- civil rights

PRACTICE AREAS

civil procedure

federal courts

prisoner civil rights

QUESTIONS PRESENTED

1. Whether plaintiff could withdraw his consent to magistrate-judge jurisdiction under 28 U.S.C. § 636(c) before all parties had consented.
2. Whether plaintiff was entitled to have the case reassigned solely to a district judge rather than remain referred to a magistrate judge for pretrial matters under 28 U.S.C. § 636(b) and Local Rule 302.

HOLDINGS

1. Because no defendant had been served or appeared and plaintiff was the only person who had consented, plaintiff's consent to magistrate-judge jurisdiction under § 636(c) should be vacated.
2. Plaintiff's request to reassign the case solely to a district judge should be denied because the case remains properly referred to a magistrate judge for pretrial matters under § 636(b)(1)(B) and Local Rule 302.

KEY QUOTATIONS

“However, before all parties have consented to magistrate jurisdiction, the Ninth Circuit has held that “a party need not satisfy the good cause or extraordinary circumstances standard provided in § 636(c)(4) in order to withdraw consent.”” (at 1)

“This matter is referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Local Rule 302 refers all prisoner cases to magistrate judges for pretrial purposes.” (at 2)

FACTUAL BACKGROUND

James Michael Fayed, a state prisoner proceeding pro se, filed a consent to jurisdiction by a United States magistrate judge under 28 U.S.C. § 636(c). No defendant had been served or appeared, and no other party had consented. Fayed then moved to vacate his consent and requested that the case be reassigned solely to a district judge.

PROCEDURAL HISTORY

Plaintiff filed his prisoner civil-rights action and then consented to magistrate-judge jurisdiction under 28 U.S.C. § 636(c). Before any defendant was served or appeared, plaintiff moved to vacate that consent and sought reassignment of the case solely to a district judge. The magistrate judge recommended granting withdrawal of the § 636(c) consent, denying reassignment away from the magistrate judge for pretrial matters, and directed the clerk to assign a district judge.

DISPOSITION

other

CASES CITED

- Dixon v. Ylst, 990 F.2d 478, 479 (9th Cir. 1993)
- Branch v. Umphenour, 936 F.3d 994, 1000, 1002-1004 (9th Cir. 2019)
- Williams v. King, 875 F.3d 500, 504 (9th Cir. 2017)
- Gilmore v. Lockard, 936 F.3d 857, 863 (9th Cir. 2019)
- Page v. California, 2008 WL 3976933, at *1 (E.D. Cal. Aug. 20, 2008)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

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