

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Jeremy Lowrey v. Andrew Tilden

No. 19-1365, 19-3145, United States Court of Appeals for the Seventh Circuit (February 3, 2020)

SUMMARY

Appellate jurisdiction; requirement to include dates of consent in jurisdictional statement when appealing from a magistrate judge's final judgment (28 U.S.C. § 636(c); 7th Cir. R. 28(a)(2)(v)). The court reminds counsel that failure to provide the dates on which each party consented in writing to entry of final judgment by a magistrate judge is a recurring, readily avoidable flaw. Counsel ordered to file amended jurisdictional statements within seven days.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Diane Wood
JURISDICTION	Federal
DECIDED	February 3, 2020
DOCKET	19-1365, 19-3145
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from final judgment entered by magistrate judge after consent of parties.
PRECEDENTIAL VALUE	Published
PARTIES	Jeremy Lowrey v. Andrew Tilden, Wexford Health Sources, Inc.

TOPICS

appellate procedure

appellate jurisdiction

civil procedure

subject matter jurisdiction

PRACTICE AREAS

Appellate Procedure

Federal Courts

Jurisdiction

QUESTIONS PRESENTED

1. Whether the appellant's jurisdictional statement complied with Circuit Rule 28(a)(2)(v) by providing the dates of consent of each party to the magistrate judge's jurisdiction.

HOLDINGS

1. The court held that the jurisdictional statements failed to comply with Circuit Rule 28(a)(2)(v) because they did not provide the dates on which each party consented in writing to the entry of final judgment by the magistrate judge.

FACTUAL BACKGROUND

In both cases, the appeals were from final judgments entered by magistrate judges. The appellant's jurisdictional statements failed to comply with Circuit Rule 28(a)(2)(v) by not providing the dates of consent by each party to the magistrate judge's jurisdiction. In McCray, counsel also failed to note that the decision was by a magistrate judge.

PROCEDURAL HISTORY

Plaintiffs appealed from final judgments entered by magistrate judges. The court identified deficiencies in the jurisdictional statements regarding consent dates.

DISPOSITION

other

CASES CITED

- Baez-Sanchez v. Sessions, 826 F.3d 638 (7th Cir. 2017)
- Coleman v. Labor & Indus. Rev. Comm'n of the State of Wis., 860 F.3d 461 (7th Cir. 2017)