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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

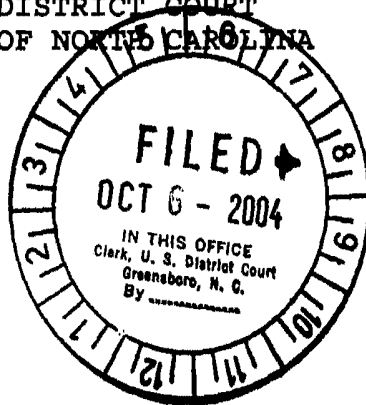
ALPHA IOTA OMEGA CHRISTIAN
FRATERNITY, an unincorporated
association; TREVOR J. HAMM, an
individual; and CARLON D. MYRICK,
an individual,

Plaintiffs,

v.

JAMES MOESER, Chancellor of the
University of North Carolina
at Chapel Hill, et al.,

Defendants.



1:04CV00765

ORDER

Plaintiff has filed a document entitled, "Declination to Proceed Before a Magistrate Judge and Request to Remove Case From Mediation." This case has just been filed and summonses have been issued. No defendant has filed an answer.

With respect to the magistrate judge issue, plaintiff states that they do not consent to trial and disposition before a United States Magistrate Judge and requests reassignment of the case to a United States District Judge. However, this case is already assigned to a United States District Judge. Notwithstanding, in this District, magistrate judges and district judges co-jointly work on all cases. To the extent plaintiff seeks to change this Court's usual mode of proceeding, the motion is denied.

With respect to the mediation issue, the motion is premature. While plaintiffs have stated their position, they fail to show that

all defendants agree with the reasons proffered by plaintiff for foregoing mediation.

IT IS THEREFORE ORDERED that plaintiff's request that this case be removed from mediation (docket no. 7) is denied without prejudice and their further request that this Court deviate from its normal practice of having a district judge and magistrate judge co-jointly work on this case is likewise denied.


United States Magistrate Judge

October 6, 2004