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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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ING BANK, fsb,

Plaintiff,

NO. CIV. 09-1174 WBS EFB

v.

ORDER

RAMON P. FAZAH, an individual,

Defendant.

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On July 20, 2009, the undersigned issued an order referring this case to the assigned magistrate judge pursuant to Local Rule 72-302(c) (21) because the sole defendant in this case is appearing pro se.

Apparently dissatisfied with the court's July 20, 2009 Order, plaintiff's counsel has, via a letter, requested that the undersigned "hold the Order in abeyance." (Docket No. 10.) In two emails directed to the undersigned's Courtroom Deputy, plaintiff's counsel also suggested that it intends to file a motion before the undersigned and requested that the undersigned hear an anticipated motion to compel. (Docket No. 14.)

In light of counsel's repeated requests, the court

1 finds it necessary to re-state the effect of its Order of July
2 20, 2009: this matter has been referred to the assigned
3 magistrate judge and any motions, including defendant's pending
4 motion to dismiss, shall be heard before the assigned magistrate
5 judge. As Local Rule 72-302 emphasizes, while the undersigned
6 could have retained jurisdiction over this matter,
7 "[a]pplications for retention . . . are looked upon with
8 disfavor and granted only in unusual and compelling
9 circumstances." Defendant's argument that the exercise of
10 jurisdiction by a particular court is unconstitutional is
11 neither an unusual argument by a pro se party nor a compelling
12 reason for the undersigned to retain this action. Therefore, to
13 the extent plaintiff's July 21, 2009 letter was intended to
14 serve as an application for reconsideration of the Order of July
15 20, 2009, it is DENIED. Any further motions in this matter
16 shall be addressed to the assigned magistrate judge pursuant to
17 this court's Order of July 20, 2009.

18 DATED: September 1, 2009

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21 WILLIAM B. SHUBB
22 UNITED STATES DISTRICT JUDGE
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