



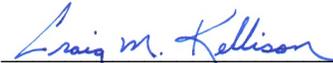
1 December 7, 2016.<sup>1</sup> Plaintiffs filed their first amended complaint on January 31, 2017. Plaintiffs  
2 obtained neither leave of court nor a stipulation from all defendants before doing so. Because  
3 plaintiffs' first amended complaint was filed more than 21 days after service of a motion to  
4 dismiss under Rule 12(b), and without prior leave of court or stipulation of all the parties, the  
5 filing is improper and will be stricken.

6 Turning to plaintiffs' filing, plaintiffs argue that all matters in this case must be  
7 heard by a District Judge because the parties have not consented to Magistrate Judge jurisdiction.  
8 Plaintiffs seek an order striking motions filed by defendants. Plaintiffs misread the applicable  
9 rules. In cases where the parties have not consented to Magistrate Judge jurisdiction for all  
10 purposes, including entry of final judgment, the rules nonetheless refer specific matters to the  
11 assigned Magistrate Judge for initial determination and recommendation to the assigned District  
12 Judge. See Fed. R. Civ. P. 72(b); see also E. Dist. Cal. Local Rule 302(c). In particular, Local  
13 Rule 302(c) specifically refers all matters – including dispositive motions – in pro se cases to the  
14 assigned Magistrate Judge. Plaintiffs' request to strike defendants' motions will be denied.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. Defendants' objections are sustained;
  - 17 2. The first amended complaint filed on January 31, 2017 (Doc. 24) is  
18 stricken; and
  - 19 3. Plaintiffs' motion to strike (Doc. 26) is denied.
- 20  
21

22 DATED: February 17, 2017

  
23 **CRAIG M. KELLISON**  
24 UNITED STATES MAGISTRATE JUDGE

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26 \_\_\_\_\_  
<sup>1</sup> A second group of defendants filed a motion to remand on December 13, 2016.