

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA CORRECTIONAL
SUPERVISORS ORGANIZATION, et al.,

Plaintiffs,

v.

MATTHEW CATE,

Defendants.

No. 09-05631 JSW

**ORDER: (1) RELATING CASES;
(2) DIRECTING PLAINTIFFS TO
SHOW CAUSE WHY MATTER
SHOULD NOT BE DISMISSED
FOR LACK OF SUBJECT
MATTER JURISDICTION; and (3)
SETTING MATTER ON
CALENDAR ON DECEMBER 4,
2010.**

On November 30, 2009, Plaintiff filed the instant action. Plaintiff also filed an administrative motion to determine whether this matter is related to *Perez v. Cate*, 05-5241-JSW and a Notice of Ex Parte Motion and Ex Parte Motion for a Temporary Restraining Order. On December 2, 2009, Judge Alsup *sua sponte* referred the matter to this Court for a determination of whether the matter was related to *Perez*, because the administrative motion had not been filed in accordance with Northern District Civil Local Rule 3-12(b). The Court finds this matter is related to *Perez* and, accordingly, this matter shall be reassigned. Counsel are instructed that all future filings in this case are to bear the initials of the undersigned immediately after the case number.

Although the Court is relating this matter to the *Perez* case and although it is setting the matter down on this Court's calendar on December 4, 2009, the Court notes that in their Complaint, Plaintiffs assert that "[t]he jurisdiction of the Court is invoked pursuant to 28 U.S.C. § 1367." That is Plaintiffs premise jurisdiction in this Court solely on supplemental jurisdiction

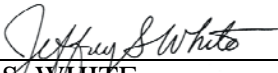
1 and do not set forth the basis on which this Court has original jurisdiction over this action.

2 Accordingly, Plaintiffs are HEREBY ORDERED to show cause why this matter should not be
3 dismissed for lack of subject matter jurisdiction. Plaintiffs' response to this Order to Show
4 Cause shall be due by no later than December 9, 2009.

5 It is FURTHER ORDERED that the parties shall appear on December 4, 2009 at 1:30
6 p.m. for the purposes of setting a conditional briefing schedule on the motion for a temporary
7 restraining order, which shall be vacated in the event the Court determines it lacks jurisdiction
8 over this action.

9 **IT IS SO ORDERED.**

10
11 Dated: December 2, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE