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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EIDEX FAMILY PARTNERSHIP, L.P.,

No. C 08-1173 EMC

Plaintiff,

v.

**ORDER DENYING DEFENDANT'S
MOTION FOR REASSIGNMENT**

CARLVIN JUSTICE,

Defendant.

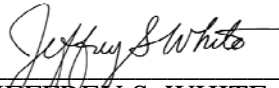
Defendant Carlvn Justice has filed a motion seeking reassignment of this case from Judge Chen to another judge. The Court interprets his motion as a motion made pursuant to 28 U.S.C. § 636(c)(4), which provides that a “court may, for good cause shown on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a magistrate judge under this subsection.” 28 U.S.C. § 636(c)(4).

Having reviewed Mr. Justice’s filings and all other evidence of record, the Court hereby **DENIES** the request for reassignment. Mr. Justice has failed to show extraordinary circumstances justifying vacation of the reference to Judge Chen. There is no evidence that Mr. Justice’s consent to Judge Chen’s jurisdiction was made unknowingly or involuntarily. There is no evidence of, *e.g.*, any impropriety by Judge Chen; nor is there any evidence that Judge Chen has a personal bias or prejudice against Mr. Justice or in favor of Plaintiff Eidex Family Partnership, L.P. *See* 28 U.S.C. § 144. Mr. Justice asserts that Judge Chen’s rulings were legally incorrect, but that does not constitute an extraordinary circumstance justifying the relief sought. Similarly, Mr. Justice’s statement that it

1 would be more convenient for him to have the case litigated in Oakland, as opposed to San
2 Francisco, is not an extraordinary circumstance justifying the relief sought.

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4 IT IS SO ORDERED.

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6 Dated: October 3, 2008

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8 _____
9 JEFFREY S. WHITE
10 United States District Court Judge
11 GENERAL DUTY JUDGE
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

EIDEX FAMILY PARTNERSHIP L.P.,

Case Number: CV08-01173 EMC

Plaintiff,

CERTIFICATE OF SERVICE

v.

CALVIN JUSTICE et al,


Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 3, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Carlvin Justice
1414 62nd St.
Emeryville, CA 94608

Dated: October 3, 2008


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk