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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EIDEX FAMILY PARTNERSHIP, L.P.,

No. C-08-1173 EMC

Plaintiff,

v.

**ORDER DENYING DEFENDANT’S  
MOTION TO RESTRICT ORDER**

CARLVIN JUSTICE,

**(Docket No. 19)**

Defendant.

\_\_\_\_\_ /

On December 31, 2008, the Court issued an order in which it denied Defendant Carlvn Justice’s motion for a jury trial. *See* Docket No. 18. Mr. Justice’s motion had been directed to the general duty judge, but this Court ruled on the motion because there was no basis for the motion to be referred to the general duty judge. Now Mr. Justice has filed a motion seeking, in essence, to stop enforcement of the Court’s December 31 order. The currently pending motion has been directed to the general duty judge for resolution, apparently on the basis that the undersigned is biased against Mr. Justice.

While ordinarily the claim of bias would prompt the Court to have the motion be referred to the general duty judge, the Court shall not do so in this instance because, previously, Mr. Justice sought reassignment of the case based on the alleged bias of the undersigned, and Judge White, the then-general duty judge, denied the motion. *See* Docket No. 14 (order, filed on 10/3/08). When asked to reconsider, Judge White denied the motion for reconsideration. *See* Docket No. 16 (order,

1 filed on 11/24/08). This motion is yet another attempt to avoid the substantive ruling of this Court,  
2 which concluded that it had no subject matter jurisdiction over the case.

3 This order disposes of Docket No. 19.

4 Because this case is closed, the Court shall not accept any further motions filed by Mr.  
5 Justice, absent good cause.

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8 IT IS SO ORDERED.

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10 Dated: January 26, 2009

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EDWARD M. CHEN  
United States Magistrate Judge

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EIDEX FAMILY PARTNERSHIP, L.P.,

No. C-08-1173 EMC

Plaintiff(s),

v.

**CERTIFICATE OF SERVICE**

CARLVIN JUSTICE,

Defendant(s).

\_\_\_\_\_/

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

CARLVIN JUSTICE  
1414 62nd Street  
Emeryville, CA 94608

BRUCE CAMERON REEVES  
Reeves Seidler & Howell  
2527 Santa Clara Avenue  
Alameda, CA 94501

Dated: January 26, 2009

RICHARD W. WIEKING, CLERK

By: \_\_\_\_\_/s/  
Leni Doyle  
Deputy Clerk