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

MARIA JIMENEZ,

No. C 09-0146 MEJ

Plaintiff(s),

**ORDER DIRECTING PARTIES TO FILE
CONSENT/DECLINATION FORM**

vs.

MECOMINGS FINANCIAL LLC,

Defendant(s).

_____ /

Pending before the Court is Defendants' Motion to Dismiss. Upon review of the record in this action, the Court notes that the parties have not filed written consents to Magistrate Judge James' jurisdiction or requests for reassignment to a United States District Court judge for trial. This civil case was randomly assigned to United States Magistrate Judge Maria-Elena James for all purposes including trial. In accordance with Title 28, U.S.C. § 636(c), the magistrate judges of this District Court are designated to conduct any and all proceedings in a civil case, including a jury or non-jury trial, and to order the entry of final judgment, upon the consent of the parties. An appeal from a judgment entered by Magistrate Judge James may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of a district court.

You have the right to have your case assigned to a United States District Judge for trial and

1 disposition. Accordingly, the parties shall inform the court, by way of the enclosed form, whether
2 they consent to Magistrate Judge James' jurisdiction or request reassignment to a United States
3 District Judge for trial. The parties shall inform the Court as soon as possible, but no later than
4 March 5, 2009.

5 **IT IS SO ORDERED.**

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7 Dated: February 10, 2009


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9 MARIA-ELENA JAMES
10 United States Magistrate Judge
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARIA JIMENEZ,
Plaintiff(s),

No. C 09-0146 MEJ

**CONSENT TO ASSIGNMENT OR
REQUEST FOR REASSIGNMENT**

vs.

HOMEcomings FINANCIAL LLC,
Defendant(s).

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 18 U.S.C. § 636(c), the undersigned party hereby consents to have a United States Magistrate Judge conduct any and all further proceedings in this case, including trial, and order the entry of final judgment, and voluntarily waives the right to proceed before a United States District Judge.

Dated: _____

Signed by: _____

Counsel for: _____

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: _____

Signed by: _____

Counsel for: _____

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4
5 MARIA C. JIMENEZ,
6 Plaintiff,

Case Number: CV09-00146 MEJ

CERTIFICATE OF SERVICE

7 v.

8 HOMECOMINGS FINANCIAL et al,
9 Defendant.

10
11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

12 That on February 10, 2009, I SERVED a true and correct copy(ies) of the attached, by placing
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
14 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.

15 Maria Jimenez
16 5176 Grass Valley Way
Antioch, CA 94531

17 Dated: February 10, 2009

18 Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk

United States District Court
For the Northern District of California