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UNITED STATES DISTRICT COURT
Northern District of California

MARCO A GUTIERREZ

Plaintiff(s),

No. C 10-03419 MEJ

v.

INDYMAC MORTGAGE SERVICES

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

Defendant(s).


_____ /

Pending before the Court is Defendant's 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. This civil case was randomly assigned to Magistrate Judge James for all purposes including trial. In accordance with 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 trial and 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 disposition. Accordingly, the parties shall inform the court, by way of the enclosed form (or the form on the Court's website), whether they consent to Magistrate Judge James' jurisdiction or request reassignment to a United States District Judge for trial. The parties shall inform the Court of their decision by September 16, 2010.

IT IS SO ORDERED.

Dated: September 1, 2010



Maria-Elena James
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT
For the Northern District of California

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

MARCO A GUTIERREZ

No. C 10-03419 MEJ

Plaintiff(s),

**CONSENT TO ASSIGNMENT OR
REQUEST FOR REASSIGNMENT**

vs.

INDYMAC MORTGAGE SERVICES

Defendant(s).

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 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: _____

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MARCO A GUTIERREZ

Plaintiff,

v.

INDYMAC MORTGAGE SERVICES

Defendant.

Case Number: 10-03419 MEJ

CERTIFICATE OF SERVICE

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 September 1, 2010, 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.

Marco A. Gutierrez
3985 Bolinas Place
Discovery Bay, CA 94505

Dated: September 1, 2010

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