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UNITED STATES DISTRICT COURT
Northern District of California

GMAC MORTGAGE, LLC

Plaintiff,

No. C 10-3665 MEJ

v.

JOSE AMAYA and MARIA ELENA
MONTANO,

**SECOND ORDER DIRECTING
DEFENDANTS TO FILE
CONSENT/DECLINATION FORM**

Defendants.

On August 23, 2010, the Court ordered Defendants to file a written consent to Magistrate Judge James' jurisdiction. Defendants have failed to comply with this order. 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, Defendants Jose Amaya and Maria Elena Montano shall inform the Court, by way of the enclosed form, whether they consent to Magistrate Judge James' jurisdiction or requests reassignment to a United States District Judge for trial. The consent/declination form shall be filed by October 4, 2010.

IT IS SO ORDERED.

Dated: September 13, 2010



 Maria-Elena James
 Chief United States Magistrate Judge

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

GMAC MORTGAGE, LLC

No. C 10-03665 MEJ

Plaintiff,

vs.

JOSE AMAYA and MARIA ELENA
MONTANO,

Defendants.

_____ /

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

GMAC MORTGAGE, LLC

Case Number: 10-3665 MEJ

Plaintiff,

CERTIFICATE OF SERVICE

v.

JOSE AMAYA

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 September 13, 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.

Jose Amaya
Maria Elena Montano
22349 Peralta Street
Hayward, CA 94541

Dated: September 13, 2010

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