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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANK PATE, LEILA RANZI-PATE, and
INFINITY INVESTING, LLC,

Plaintiffs,

v.

LAURA CHENG and TROY SWEETMAN,

Defendants.

No. C-10-03968 DMR

**ORDER VACATING HEARING ON
DEFENDANT’S MOTION TO DISMISS
PENDING CONSENT TO
JURISDICTION OF MAGISTRATE
JUDGE**

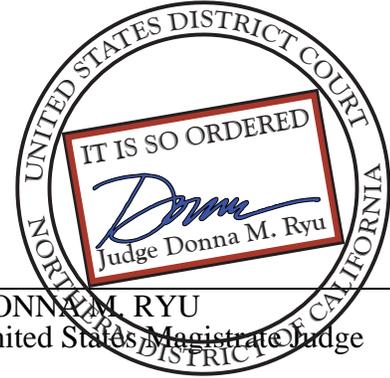
On September 29, 2010, Defendant Laura Cheng filed a Motion to Dismiss Complaint for Failure to State a Claim Upon Which Relief can be Granted (Fed.R.Civ.P. 12(b)(6)). See Docket No. 5. Defendant Cheng noticed a hearing on the Motion to Dismiss for November 10, 2010 at 2:00 p.m.

Pursuant to 28 U.S.C. § 636(c), a signed consent to the jurisdiction of the Magistrate Judge must be filed by each party before consideration of the motion. The parties in the above-captioned case have not filed signed consents to proceed before a Magistrate Judge. Accordingly, the hearing on Defendant Cheng’s Motion to Dismiss set for November 10, 2010 at 2:00 p.m. before Magistrate Judge Ryu is hereby vacated. Upon the filing of signed consents by all parties to the action, the Court will issue an order resetting the hearing. If a declination is filed, the case will be reassigned to a District Court Judge.

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IT IS SO ORDERED.

Dated: October 1, 2010



DONNA M. RYU
United States Magistrate Judge