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UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

IIG PROPERTIES, LLC,

No. C 12-06117 LB

Plaintiff(s),

v.

**ORDER VACATING ORDER AND
REPORT AND RECOMMENDATION
DATED JANUARY 15, 2013**

VICTOR JIMENEZ,

[Re: ECF No. 8]

Defendant(s).
_____ /

On December 3, 2012, defendant Victor Jimenez removed this unlawful detainer action from state court. Notice of Removal, ECF No. 1. On January 2, 2013, plaintiff IIG Properties, LLC filed a motion to remand the action to state court. Motion to Remand, ECF No. 4. IIG consented to the undersigned's jurisdiction on January 14, 2013. Consent (Plaintiff), ECF No. 7. Believing that Mr. Jimenez had neither consent to nor declined the undersigned's jurisdiction, on the morning of January 15, 2013, the court ordered the Clerk of the Court to reassign this action to a district court judge and recommended that the newly-assigned district court judge grant IIG's motion to remand. R&R, ECF No. 8. It turns out that Mr. Jimenez, too, consented to the undersigned's jurisdiction on January 14, 2013, but because he is proceeding *pro se*, his consent form was not uploaded to the court's electronic docket until the afternoon of January 15, 2013, after the court filed the report and recommendation. See Consent (Defendant), ECF No. 9.

In light of both parties consenting to the undersigned's jurisdiction, the court **VACATES** its January 15, 2013 report and recommendation and order directing the Clerk of the Court to reassign

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the action. The court instead will issue an order on IIG's motion to remand.

IT IS SO ORDERED.

Dated: January 15, 2013



LAUREL BEELER
United States Magistrate Judge