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## UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

CLAYTON COLLINS,

No. C 13-01493 LB

Plaintiff,

v.

CITY OF OAKLAND, et al.,

Defendants.

**ORDER (1) REGARDING THE  
INDIVIDUAL DEFENDANTS' LEGAL  
REPRESENTATION AND (2)  
CONTINUING THE HEARING ON  
THE ENTITY DEFENDANTS'  
PENDING MOTIONS TO DISMISS**

Plaintiff Clayton Collins, proceeding *pro se*, filed a complaint on April 3, 2013. He named 2 entities and 3 individuals as defendants, namely, the City of Oakland, the County of Alameda, Leo Bazile, Antonio Acosta, and Officer Rick Cocanour. So far, only the entity defendants have appeared in this action, and they have filed motions to dismiss Mr. Collins's complaint. Neither of the three individual defendants have appeared, despite being served with the complaint and summons.

Because the court needs the consent of all served defendants—which, in this case, is all five named defendants—to finally decide the pending motions to dismiss, *see* 28 U.S.C. § 636(c), the court ordered counsel for the City of Oakland and the County of Alameda to tell the court whether they also represent, or intend to represent, any of the individual defendants to this action. The County of Alameda told the court that it does not intend to represent any of the three individual defendants. The City of Oakland, however, told the court that it definitely intends to represent Mr. Acosta (and it should have a signed representation agreement with him by October 7, 2013) and that

1 it has inquired whether Mr. Bazile would like the City to represent him. It also stated that it  
2 currently is investigating whether Officer Cocanour is or was a City of Oakland employee who  
3 might want representation as well.

4 Although the court appreciates that this action has been delayed, given the situation with the  
5 individual defendants' legal representation and the court's need for the consent of all defendants, the  
6 court **CONTINUES** the hearing on the entity defendants' pending motions to dismiss from October  
7 17, 2013 to 11:00 a.m. on **December 19, 2013** in Courtroom C, 15th Floor, United States District  
8 Court, 450 Golden Gate Avenue, San Francisco, California, 94102. The court also **ORDERS** the  
9 City of Oakland to file a status update about the individual defendants' legal representation by  
10 **October 25, 2013**.

11 **IT IS SO ORDERED.**

12 Dated: October 4, 2013

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15 LAUREL BEELER  
16 United States Magistrate Judge  
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