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United States District Court
Northern District of California

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

TERESA BECHELLI-GONZALEZ,
Plaintiff,
vs.
**COMMISSIONER OF THE SOCIAL SECURITY
ADMINISTRATION,**
Defendant.

CASE NO. 16-cv-07284-YGR

**ORDER RE: MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION**

Re: Dkt. No. 19

Now before the Court is Magistrate Judge Maria-Elena James' (the "Magistrate Judge") Report and Recommendation to dismiss without prejudice plaintiff Teresa Bechelli's complaint for judicial review of defendant's denial of disability insurance benefits under the Social Security Act for failure to prosecute. (Dkt. No. 19.) On October 16, 2017, the Magistrate Judge found that plaintiff failed to file a timely written response to the Magistrate Judge's order to show cause as to why the case should not be dismissed for failure to prosecute.¹ (*See* Dkt. Nos. 18, 19.) The Magistrate Judge then ordered "the Clerk of the Court to reassign the case to a district court judge" because defendant "did not yet consent to [Magistrate Judge] jurisdiction." (Dkt. No. 19 at 4:18-20.)

It is unclear why this case is before the district court in the first place, as the parties previously consented to magistrate judge jurisdiction, (Dkt. Nos. 6, 9), and district court Judge Jeffrey S. White referred the case to the Magistrate Judge for all purposes on that ground. (Dkt. No. 10 ("Pursuant to Local Rule 72-1 and the consent of the parties, this matter is referred for random assignment of a Magistrate Judge for all purposes including any trial or any other final

¹ The Court notes that plaintiff has now filed a letter asserting that plaintiff filed a timely written response on November 9, 2017, which was postmarked November 21, 2017, and posted on the docket November 27, 2017. (Dkt. No. 22.)

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disposition and entry of judgment.”) (Emphasis supplied.) Accordingly, the matter is referred back to Magistrate Judge Maria-Elena James for all purposes including final disposition and entry of judgment.

IT IS SO ORDERED.

Dated: December 6, 2017



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

cc: Rose/MEJ