

United States District Court
For the Northern District of California

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

CHARLES A. BONNER,
Plaintiff,
v.
SELECT PORTFOLIO SERVICING, INC., et
al.,
Defendants.

No. 10-00609 CW
ORDER DISMISSING
DEFENDANTS THAT
HAVE NOT BEEN
SERVED TIMELY,
REFERRING CASE TO
MAGISTRATE JUDGE
FOR ALL PURPOSES
AND VACATING CASE
MANAGEMENT
CONFERENCE

On July 26, 2010, the Court granted Defendants Select Portfolio Servicing, Inc.; Timothy J. O'Brien; Jason H. Miller; and Matthew L. Hollingsworth's motion to dismiss Plaintiff Charles A. Bonner's complaint. Plaintiff was given leave to amend to cure the deficiencies identified in the Court's Order. The Court noted that it did not appear that Plaintiff had served Defendants Bryan M. Marshall, Encore Credit Corp. and Option One Mortgage Corp., and directed him to provide proof of service as to these Defendants. Plaintiff was warned that, if he did not do so, his claims against these Defendants would be dismissed without prejudice.

Plaintiff timely filed an amended complaint, and Defendants Select Portfolio Servicing, O'Brien, Miller and Hollingsworth answered. However, Plaintiff did not offer proof that he timely served Defendants Marshall, Encore Credit Corp. or Option One Mortgage Corp., and they have not appeared in this action. Accordingly, Plaintiff's claims against these unserved Defendants are dismissed without prejudice.

1 In their Joint Case Management Statement, Plaintiff and the
2 answering Defendants state that they consent to the jurisdiction of
3 a Magistrate Judge for all purposes. Consequently, pursuant to
4 Civil Local Rule 72-1 and the consent of parties, IT IS HEREBY
5 ORDERED that the above-captioned case be referred for all further
6 proceedings in the case, including trial, and the entry of a final
7 judgment to a Magistrate Judge to be heard and considered at the
8 convenience of his or her calendar. Counsel will be advised of the
9 date, time and place of appearance by notice from the assigned
10 Magistrate Judge.

11 The case management conference, scheduled for October 26, 2010
12 at 2:00 p.m., is VACATED.

13 IT IS SO ORDERED.

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15 Dated: October 25, 2010

Claudia Wilken

CLAUDIA WILKEN
United States District Judge

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