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NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHARLES J. MCKEE,
Plaintiff,
v.
EUGENE E. FORTE,
Defendant.

Case Number C 06-1683 JF (RS)
ORDER OVERRULING
DEFENDANT’S OBJECTION TO
REASSIGNMENT OF ACTION; AND
CLARIFYING WHY ACTION WAS
RESASSIGNED TO THE
UNDERSIGNED
[Doc. No. 6]

On March 10, 2006, Defendant filed an objection to the reassignment of this case from Magistrate Judge Seeborg, to whom it initially was assigned, and a request for clarification as to how this reassignment occurred. Specifically, Defendant requests clarification whether Judge Seeborg was disqualified and, if so, the basis for such disqualification.

Judge Seeborg was not “disqualified” in the sense that Defendant uses the term. However, as a magistrate judge, Judge Seeborg did not have authority to issue dispositive rulings in the action absent consent from both parties. *See* Civ. L.R. 73-1. Time was of the essence in determining whether removal of the action was proper, because Defendant removed the action only days before the temporary restraining order issued by the superior court was to expire.

1 Accordingly, Judge Seeborg determined that there was insufficient time to seek consent from the
2 parties, and requested that the Clerk's Office randomly reassign the case to a district judge. The
3 case was reassigned to the undersigned on March 8, 2006, and the undersigned remanded the
4 case to the superior court on the same date.

5 Because Judge Seeborg acted appropriately, Defendant's objection to the reassignment is
6 OVERRULED.

7 IT IS SO ORDERED.

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11 DATED: 3/20/06

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13 JEREMY FOGEL
14 United States District Judge
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1 Copies of Order served on:
2

3 Counsel for Plaintiff:

4 Traci A. Kirkbride
5 Deputy County Counsel
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