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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KEVIN ALOYSIUS LOWERY,)
)
Plaintiff,)
)
v.)
)
CITY OF SANTA CLARA, et al,)
)
Defendants.)
_____)

Case No.: C 09-0229 PVT
**ORDER EXTENDING DEADLINE FOR
PLAINTIFF TO COMPLY WITH
REQUIREMENTS OF CIVIL LOCAL RULE
73-1(a)(2); AND
RESCHEDULING HEARING ON
DEFENDANTS’ MOTION TO DISMISS TO
APRIL 14, 2009**

On March 11, 2009, the court issued an order setting a deadline for the parties to comply with the requirements of Civil Local Rule 73-1(a)(2).¹ Defendant City of Santa Clara has done so by filing a Consent to Proceed Before a United States Magistrate Judge. On March 13, 2009, Plaintiff filed a memorandum in which he states “First, please consider this my consent to proceed with the Case, with the same terms and conditions as that of Defense.” Although that statement appears to be an attempt to consent to Magistrate Judge jurisdiction, it is not clear and does not include all of the language that is included on the court’s model form of Consent to Proceed Before a United States Magistrate Judge. Because the record does not clearly reflect whether or not Plaintiff consents to Magistrate Judge jurisdiction,

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 IT IS HEREBY ORDERED that, no later than March 31, 2009, Plaintiff shall file either a
2 “Consent to Proceed Before a United States Magistrate Judge,” or else a “Declination to Proceed
3 Before a United States Magistrate Judge and Request for Reassignment.” Because it appears that
4 Plaintiff intends to consent, a copy of the consent form is attached hereto for the Plaintiff’s use. If
5 Plaintiff does not wish to consent to Magistrate Judge jurisdiction, he may obtain a copy of a
6 “Declination to Proceed Before a United States Magistrate Judge and Request for Reassignment”
7 from the clerk of the court, or from the Forms (Civil) section of the court’s website at
8 www.cand.uscourts.gov.

9 IT IS FURTHER ORDERED that the hearing on Defendant’s motion to dismiss is continued
10 to April 14, 2009 at 10:00 a.m. in Courtroom 5 of this court.

11 Dated: 3/18/09


12 PATRICIA V. TRUMBULL
13 United States Magistrate Judge
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Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on 3/18/09 to:

Kevin Aloysius Lowery
2081 Bohannon Drive
Santa Clara, CA 95050

/s/ Donna Kirchner for
CORINNE LEW
Courtroom Deputy

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN ALOYSIUS LOWERY

No. C 09-0229 PVT

Plaintiff(s),

**CONSENT TO PROCEED BEFORE A
UNITED STATES MAGISTRATE JUDGE**

v.

CITY OF SANTA CLARA, et al,

Defendant(s).

_____ /

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned party hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

Dated: _____

Signature

Counsel for Pro Se
(Plaintiff, Defendant or indicate "pro se")