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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARGARET HARRIS,
Plaintiff,
v.
CITY OF SANTA CLARA,
Defendants.

Case No.: C 09-1169 PVT
ORDER CONTINUING HEARING AND SETTING DEADLINE FOR PLAINTIFF TO FILE EITHER A "CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE," OR ELSE A "DECLINATION TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT"

On April 8 2008, Defendant filed a Motion to Dismiss for Failure to State a Claim upon which Relief Can Be Granted (FRCP 12(b)(6), or in the Alternative, Motion for More Definitive Statement (FRCP 12(e)).¹ Pursuant to Civil Local Rule 73-1(a)(2), no later than five court days after that motion was filed, each party was required to file either a written consent to the jurisdiction of the magistrate judge, or request reassignment to a district judge. Defendant already filed a consent to magistrate judge jurisdiction. Plaintiff has not yet filed either a written consent to the jurisdiction of the magistrate judge, or request reassignment to a district judge.² Therefore, based on the file herein,

IT IS HEREBY ORDERED that the hearing on Defendant's motion, currently set for May

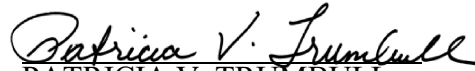
¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

² Magistrate Judges have authority to hear dispositive motions, such as the motion to dismiss filed by Defendant, only in cases where all parties have consented to Magistrate Judge jurisdiction. See 28 U.S.C. § 636(c)(1).

1 19, 2009, is CONTINUED to 10:00 a.m. on June 9, 2009.

2 IT IS FURTHER ORDERED that no later than May 15, 2009, Plaintiff shall file either a
3 “Consent to Proceed Before a United States Magistrate Judge,” or else a “Declination to Proceed
4 Before a United States Magistrate Judge and Request for Reassignment.” Both forms are available
5 from the clerk of the court, or from the Forms (Civil) section of the court’s website at
6 www.cand.uscourts.gov.

7 Dated: 5/12/09

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9 PATRICIA V. TRUMBULL
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 5/12/09 to:

Margaret Harris
2193 Augusta Place
Santa Clara, CA 95051

/s/ Donna Kirchner for
CORINNE LEW
Courtroom Deputy