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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ING BANK, fsb,)
)
 Plaintiff,)
)
 v.)
)
 BAIMBA JOHN,)
)
 Defendant.)
)
 _____)
 AND RELATED THIRD-PARTY ACTION)
 _____)

Case No.: C 09-1467 PVT
ORDER SETTING DEADLINE FOR PARTIES 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”

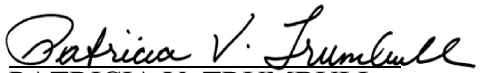
On May 19, 2009, Plaintiff filed a Motion to (1) Strike Counterclaims of Baimba John Pursuant to Fed R. Civ P. 12(f); and (2) Dismiss ING Bank, fsb from Third Party Complaint Pursuant to Fed R. Civ P 12(b)(6).¹ Pursuant to Civil Local Rule 73-1(a)(2), no later than five court days after that motion was 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.² No party has yet done so. Therefore, based on the file herein,

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 strike and dismiss filed by Plaintiff, only in cases where all parties have consented to Magistrate Judge jurisdiction. See 28 U.S.C. § 636(c)(1).

1 IT IS HEREBY ORDERED that no later than July 8, 2009, each party 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.” Both forms are available
4 from the clerk of the court, or from the Forms (Civil) section of the court’s website at
5 www.cand.uscourts.gov.

6 Dated: 7/2/09

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8 PATRICIA V. TRUMBULL
9 United States Magistrate Judge
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