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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 EXTENDING TIME 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”;** AND  
**ORDER CONTINUING HEARING**

On July 2, 2009, this court issued an order setting a deadline for the parties to file either a written consent to the jurisdiction of a Magistrate Judge, or else a declination and request reassignment to a District Judge, pursuant to this court’s Civil Local Rule 73-1(a)(2).<sup>1</sup> It has come to the court’s attention that the order was not mailed to Defendant Baimba John, who is representing

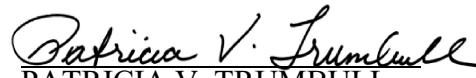
<sup>1</sup> On May 19, 2009, Plaintiff filed a Motion to (1) Strike Counterclaims of Baimba John Pursuant to Fed R. Civ P. 12(f); and (2) Dismiss ING Bank, fsb from Third Party Complaint Pursuant to Fed R. Civ P 12(b)(6). Magistrate Judges have authority to hear dispositive motions, such as the motion 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). Pursuant to Civil Local Rule 73-1(a)(2), no later than five court days after the motion to strike and dismiss 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.

1 himself *in pro per*. Therefore,

2 IT IS HEREBY ORDERED that no later than July 27, 2009, Defendant Baimba John shall  
3 file either a "Consent to Proceed Before a United States Magistrate Judge," or else a "Declination to  
4 Proceed Before a United States Magistrate Judge and Request for Reassignment." Both forms are  
5 available from the clerk of the court, or from the Forms (Civil) section of the court's website at  
6 [www.cand.uscourts.gov](http://www.cand.uscourts.gov).

7 IT IS FURTHER ORDERED that the hearing on Plaintiff's Motion to Strike Counterclaims  
8 and Dismiss ING Bank, fsb from Third Party Complaint is CONTINUED to 10:00 a.m. on August 4,  
9 2009.

10 Dated: 7/10/09

11   
12 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.*

copy mailed on 7/10/09 to:

Baimba John  
3354 Casa Legno Court  
San Jose, CA 95148

/s/ Donna Kirchner for  
CORINNE LEW  
Courtroom Deputy