

1 2 3 4 5 6 7 8 9 10

12 RICK PERRY, ) Case No.: C 09-3767 PVT  
13 Plaintiff, )  
14 v. )  
15 T.D. SERVICE COMPANY, et al., )  
16 Defendants. )  
\_\_\_\_\_  
**ORDER CONTINUING HEARING; AND  
SETTING NEW 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”**

18 On August 24, 2009, Defendants AHMSI Default Services, Inc. and Wells Fargo Bank, N.A.  
19 (the “AHMSI Defendants”) filed a motion to dismiss.<sup>1</sup> Pursuant to Civil Local Rule 73-1(a)(2), no  
20 later than five court days after that motion was filed each party was required to file either a written  
21 consent to the jurisdiction of the magistrate judge, or request reassignment to a district judge.<sup>2</sup> The  
22 AHMSI Defendants have filed a consent to magistrate judge jurisdiction, however Plaintiff has not  
23 yet filed either form. (None of the other Defendants have yet made any appearance.) Therefore,  
24 based on the file herein,

<sup>2</sup> 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).

ORDER, *page 1*

1 IT IS HEREBY ORDERED that no later than October 27, 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." 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](http://www.cand.uscourts.gov).

6 IT IS FURTHER ORDERED that the hearing on Defendants' motion to dismiss and motion  
7 to expunge is CONTINUED to November 17, 2009.

8 Dated: *10/21/09*

9   
10 PATRICIA V. TRUMBULL  
11 United States Magistrate Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28