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| 8        | UNITED STATES DISTRICT COURT   |
| 9        | NORTHERN DISTRICT OF CALIFORNIA  |
| 10       | SAN JOSE DIVISION  |
| 11       |  |
| 12       | RAYMOND LUNA, et al., Case No.: C 09-4109 PVT  |
| 13       | Plaintiffs, ) ORDER CONTINUING HEARINGS, EXTENDING TIME, AND SETTING   |
| 14       | v. Deadline for Parties to File Either a   |
| 15       | MONTEREY FUNDING, INC., et al.,  )  "Consent to Proceed Before a United States Magistrate Judge," or   |
| 16       | ) A "DECLINATION TO PROCEED BEFORE A Defendants. ) UNITED STATES MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT"  |
| 17       |  |
| 18       | On September 17, 2009, Defendant First Franklin, a Division of National City Bank, filed a   |
| 19       | Motion to Dismiss and a Motion to Strike. <sup>1</sup> On September 25, 2009, Defendants Deutsche National   |
| 20       | Bank Trust Co, Wells Fargo & Company, and Wells Fargo Home Mortgage, Inc. filed a Motion to  |
| 21       | Dismiss. Plaintiffs, representing themselves in pro per, have not filed written oppositions to either  |
| 22       | motion. Pursuant to Civil Local Rule 73-1(a)(2), no later than five court days after that motion was   |
| 23       | filed each party was required to file either a written consent to the jurisdiction of the magistrate   |
| 24       | judge, or request reassignment to a district judge. <sup>2</sup> Plaintiffs have not yet done so. Therefore, based   |
| 25       |  |
| 26<br>27 | The holding of this court is limited to the facts and the particular circumstances underlying the present motion.  |
| 28       | 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). |

on the file herein, IT IS HEREBY ORDERED that the hearings on the aforementioned motions are CONTINUED to November 17, 2009. IT IS FURTHER ORDERED that the deadline for Plaintiffs 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," is extended to November 3, 2009. IT IS FURTHER ORDERED that the deadline for Plaintiffs to file opposition papers is extended to November 3, 2009. IT IS FURTHER ORDERED that Defendants may file reply papers no later than November 10, 2009. Dated: 10/23/09 United States Magistrate Judge 

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| 2      |  |
| 3      | Counsel automatically notified of this filing via the court's Electronic Case Filing system. |
| 4      |  |
| 5      | copies mailed on 10/23/09 to:  |
| 6<br>7 | Raymond Luna<br>451 Regal Drive<br>Hollister, CA 95823                                       |
| 8      | Annette Luna 451 Regal Drive Hollister, CA 95823   |
| 10     |  |
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| 12     | <u>/s/ Donna Kirchner for</u><br>CORINNE LEW   |
| 13     | Courtroom Deputy   |
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