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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

YASISH MOGAM PADAYACHI,)
)
Plaintiff,)
)
v.)
)
INDYMAC BANK, et al.,)
)
Defendants.)
_____)

Case No.: C 09-5545 PVT
ORDER EXTENDING SCHEDULE FOR MOTION TO DISMISS; AND EXTENDING DEADLINE FOR PARTIES TO FILE EITHER A "CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE," OR A "DECLINATION TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT"

On December 14, 2009, Defendant One West Bank filed a Motion to Dismiss. Pursuant to Civil Local Rule 73-1(a)(2),¹ 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 Only Defendant One West Bank has done so. Therefore, based on the file herein,

IT IS HEREBY ORDERED that the hearing on Defendant One West Bank’s Motion to Dismiss is CONTINUED to February 23, 2010, at 10:00 a.m. in Courtroom 5 of this court.

IT IS FURTHER ORDERED that the deadline for the parties to file either a “Consent to

¹ A copy of the court’s Civil Local Rules are available from the clerk of the court, or from the “Rules” section of the court’s website (www.cand.uscourts.gov).

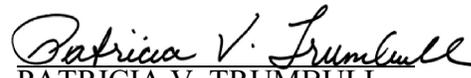
² Magistrate Judges have authority to hear dispositive motions, such as the motion to dismiss, only in cases where all parties have consented to Magistrate Judge jurisdiction. See 28 U.S.C. § 636(c)(1).

1 Proceed Before a United States Magistrate Judge,” or else a “Declination to Proceed Before a United
2 States Magistrate Judge and Request for Reassignment,” is extended to February 9, 2010. Both
3 forms are available from the clerk of the court, or from the “Forms” section of the court’s website
4 (www.cand.uscourts.gov).

5 IT IS FURTHER ORDERED that the deadline for Plaintiff to file a written opposition to the
6 motion to dismiss his complaint is extended to February 9, 2010.³ Plaintiff can find information
7 about responding to a motion in the court’s Handbook for Litigants Without a Lawyer, which is
8 available from the clerk of the court, or by clicking on the “Pro Se Handbook” link in the list on the
9 right-hand side of the court's website.

10 IT IS FURTHER ORDERED that Defendant One West Bank may file reply papers no later
11 than February 16, 2010.

12 Dated: 1/19/2010

13 
14 PATRICIA V. TRUMBULL
15 United States Magistrate Judge
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26 ³ Plaintiff has not yet filed any written opposition to the motion. See CIV.L.R. 7-3(a) (“Any
27 opposition to a motion must be served and filed not less than 21 days before the hearing date.”).
28 Because Plaintiff is *pro se*, the court finds it appropriate to extend the deadline for filing the opposition.
See, *Draper v. Coombs*, 792 F.2d 915, 924 (9th Cir. 1986) (Under Ninth Circuit case law, *pro se* litigants
are treated with “great leniency” when evaluating compliance with “the technical rules of civil
procedure”).

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Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on 1/20/10 to:

Yasish Mogam Padayachi
27204 Lemay Way
Hayward, CA 94544

/s/ Donna Kirchner for
CORINNE LEW
Courtroom Deputy