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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WENDELL J JONES,
Plaintiff,
v.
PNC BANK, N.A.,
Defendant.

Case No.: C 10-1077 PVT
**ORDER CONTINUING HEARING; AND
SETTING NEW DEADLINES**

On March 19, 2010, Defendant filed a Motion to Dismiss and a Motion to Strike. Pursuant to Civil Local Rule 73-1(a)(2),¹ no later than five court days after those motions were 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 Neither party has done so. Therefore, based on the file herein,

IT IS HEREBY ORDERED that the deadline for the 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,” is extended to June 1, 2010. Both forms are

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

1 available from the clerk of the court, or from the "Forms" section of the court's website
2 (www.cand.uscourts.gov).

3 IT IS FURTHER ORDERED that the hearing on Defendant's Motion to Dismiss and Motion
4 to Strike is CONTINUED to June 15, 2010, at 10:00 a.m. in Courtroom 5 of this court.

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 June 1, 2010.³

7 IT IS FURTHER ORDERED that Defendant may file reply papers no later than June 8, 2010.

8 Dated: 5/19/10

9 
10 PATRICIA V. TRUMBULL
11 United States Magistrate Judge
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24 ³ Plaintiff has not yet filed any written opposition to the motion. See CIV.L.R. 7-3(a) ("Any
25 opposition to a motion must be served and filed not less than 21 days before the hearing date."). Plaintiff
26 is representing himself *pro se*, and generally courts treat *pro se* litigants with "great leniency" when
27 evaluating compliance with the technical rules of civil procedure. See, *Draper v. Coombs*, 792 F.2d 915,
28 924 (9th Cir. 1986). However, from the court's records it appears Plaintiff is an attorney, and *pro se*
attorneys "typically 'cannot claim the special consideration which the courts customarily grant to *pro se*
parties.'" see *Holtz v. Rockefeller & Co.*, 258 F.3d 62, 82 n.4 (2nd Cir.2001), quoting *Harbulak v.*
County of Suffolk, 654 F.2d 194, 198 (2nd Cir. 1981). Nonetheless, in light of the policy of resolving
cases on the merits rather than on technicality, the court will grant Plaintiff one more opportunity to
oppose Defendant's motions.

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

copies mailed on 5/19/10 to:

Wendell J Jones
2409 Quantico Court
San Jose, CA 95128

/s/ Donna Kirchner For
MARTHA BROWN
Courtroom Deputy