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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BERNABE MORA,  
Plaintiff,  
v.  
TIMOTHY BRENNAN, M.D., et al.,  
Defendants.

Case No.: C 10-1147 PVT

**ORDER THAT CASE BE REASSIGNED TO A  
DISTRICT JUDGE AND VACATING MAY 18,  
2010 HEARING**

On March 22, 2010, Defendant filed a Motion to Dismiss. On April 23, 2010, this court issued an order setting a deadline of May 4, 2010 for Plaintiff to file either a written consent to the jurisdiction of the Magistrate Judge, or request reassignment to a District Judge. Plaintiff failed to do so. Therefore, based on the file herein,

IT IS HEREBY ORDERED that this action be reassigned to a District Judge. Absent consent of all parties, a Magistrate Judge cannot rule on a motion to dismiss, such as the one currently pending before the court. See 28 U.S.C. § 636(c)(1).

IT IS FURTHER ORDERED that the May 18, 2010 hearing on Defendants' motion to dismiss is VACATED. After the case is reassigned to a District Judge, Defendants shall re-notice the motion for hearing on that judge's law and motion calendar.

Dated: 5/6/10

*Patricia V. Trumbull*  
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.*

copies mailed on 5/10/10 to:

Bernabe Mora  
247 Shasta Street  
Watsonville, CA 95016

/s/ Donna Kirchner for  
MARTHA BROWN  
Courtroom Deputy