

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BERTHA MORENO,)
)
Plaintiff,)
)
v.)
)
COUNTRYWIDE HOME LOANS, et al.,)
)
Defendants.)
_____)

Case No.: C 10-2659 PVT
ORDER SETTING DEADLINE FOR 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”; AND CONTINUING HEARING DATE

On June 22, 2010, Defendant Bank of America filed a motion to dismiss.¹ Pursuant to Civil Local Rule 73-1(a)(2),² no later than one week 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.³ None of the parties have yet done so.⁴ Therefore, based on the file herein,

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

² 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).

³ 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).

⁴ On June 11, 2010, a Clerk’s Notice of Impending Reassignment to a United States District Judge was erroneously filed herein. That notice should be disregarded.

1 IT IS HEREBY ORDERED that the deadline for the parties to file either a "Consent to
2 Proceed Before a United States Magistrate Judge," or else a "Declination to Proceed Before a United
3 States Magistrate Judge and Request for Reassignment," is extended to August 10, 2010. Both
4 forms are available from the clerk of the court, or from the "Forms" section of the court's website
5 (www.cand.uscourts.gov).

6 IT IS FURTHER ORDERED that the hearing on Defendant's motion to dismiss is continued
7 to 10:00 a.m. on September 7, 2010.

8 Dated: 8/5/10

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