

1 **E-Filed 10/20/2010**

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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11
12 TSVETEN S. TORBOV,
13 Plaintiff,
14 v.
15 ANN MURPHY,
16 Defendant.

Case Number 05:10-cv-03865-JF/HRL
ORDER¹ ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING ACTION FOR LACK
OF SUBJECT MATTER
JURISDICTION
[re docket entry 8]

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19 On September 17, 2010, Magistrate Judge Howard R. Lloyd filed a Report and
20 Recommendation that this Court dismiss the action for lack of subject matter jurisdiction. No
21 objections have been filed. The Court has reviewed Judge Lloyd's recommendation as well as
22 the record in this case in conformity with 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure
23 72(b), and Civil Local Rule 72-3. The Court concurs with and adopts in its entirety the Report
24 and Recommendation of Judge Lloyd. Accordingly, the action will be dismissed for lack of
25 subject matter jurisdiction.

26 On October 14, 2010, Plaintiff filed a document entitled "RESPONSE RE CONSENT
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28 ¹ This disposition is not designated for publication in the official reports.

1 TO PROCEED BEFORE US MAGISTRATE JUDGE AND REQUEST FOR ADDITIONAL
2 TIME RE THE INSTANT MATTER.” Plaintiff requests that all dates and deadlines in this
3 matter be extended for 180 days to accommodate his need to have a surgery to address a back
4 condition. This document was filed after the expiration of Plaintiff’s deadline to object to the
5 Report and Recommendation. However, even construing Plaintiff’s request as seeking an
6 extension of time to object to the Report and Recommendation, the request will be denied.
7 Because this Court lacks subject matter jurisdiction over the action, granting Plaintiff additional
8 time would not avail him any benefit.

9 Accordingly, this action is HEREBY DISMISSED FOR LACK OF SUBJECT MATTER
10 JURISDICTION.

11 IT IS SO ORDERED.

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13 DATED: October 20, 2010

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17 JEREMY FOGEL
18 United States District Judge
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1 This Order has been served upon the following persons:

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