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28**\*E-FILED 01-14-2011\***

NOT FOR CITATION  
 IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

LINDA PODA,

No. C10-04678 HRL

Plaintiff,

**ORDER (1) SETTING DEADLINE FOR  
 CONSENT OR DECLINATION TO  
 PROCEED BEFORE A UNITED STATES  
 MAGISTRATE JUDGE; (2)  
 CONTINUING INITIAL CASE  
 MANAGEMENT CONFERENCE**

v.

DOWNEY SAVINGS BANK & LOAN  
 ASSOCIATION, FA, a Business Entity, form  
 unknown; STEWART TITLE OF  
 CALIFORNIA, a Business Entity, form  
 unknown; UNKNOWN MORTGAGE  
 BROKER, a Business Entity, form unknown;  
 and DOES 1-10, inclusive,

Defendants.

The initial case management conference previously was continued from December 28, 2010 to January 18, 2011 due to the court's unavailability and because there was no indication at that time that any defendant had been served.

The record now indicates that two defendants reportedly have been served. However, none have appeared. Additionally, plaintiff has not filed a Case Management Statement as required by Civil Local Rule 16-9. Moreover, this case has been assigned to a Magistrate Judge. And, although the court sent her a reminder, plaintiff has not yet either consented or declined to proceed before a United States Magistrate Judge.<sup>1</sup>

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<sup>1</sup> Plaintiff should obtain a copy of the court's Handbook for Litigants Without a Lawyer (available at the Clerk's Office and on the court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov)). She may also wish to avail herself of services available at the

1           Accordingly, the initial case management conference is **continued to February 22,**  
2 **2011, 1:30 p.m. in Courtroom 2.** The parties shall file a Joint Case Management Statement no  
3 later than **February 15, 2011.** Failure to timely file that statement (or a separate statement if  
4 the opposing part(ies) fail(s) to participate in preparation of a statement) may result in sanctions  
5 and, possibly, an order to show cause why the case should not be dismissed (or default entered  
6 if it is the defendant who fails to file a statement) for failure to prosecute (or defend) the action.

7           Additionally, **no later than February 15, 2011,** all parties shall file either (1) a Consent  
8 to Proceed Before a United States Magistrate Judge or (2) a Declination to Proceed Before a  
9 Magistrate Judge and Request for Reassignment to a United States District Judge. The forms  
10 are available from the Clerk of the Court and on the court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov).

11           SO ORDERED.

12           Dated:   January 14, 2011

  
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HOWARD F. LLOYD  
UNITED STATES MAGISTRATE JUDGE

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Federal Legal Assistance Self-Help Center at the San Jose Courthouse.

**United States District Court**  
For the Northern District of California

1 5:10-cv-04678-HRL

2 Linda Poda  
3 2068 Swensen Court  
4 San Jose, CA 95131

5 Pro Se Plaintiff

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