

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

SECURITIES AND EXCHANGE
COMMISSION,

Applicant,

v.

ELON MUSK,

Respondent

Case No. 23-mc-80253-LB

**ORDER; REPORT AND
RECOMMENDATION**

Re: ECF No. 1

The SEC applied for an order to compel compliance with its investigative subpoena for respondent Elon Musk to appear and testify at the SEC’s San Francisco office about possible violations of federal securities laws in connection with his 2022 purchase of Twitter and his statements about that purchase.¹ The respondent declined magistrate-judge jurisdiction.² The case should have been reassigned at that time under the local rules and the case’s assignment plan because the motion is a dispositive motion. N.D. Cal. Civ. L. R. 73-1(b)(2); Gen. Order No. 44(E)(1)(c); *see Williams v. King*, 875 F.3d 500, 503–04 (9th Cir. 2017). Because the case was filed as a miscellaneous case, the court did not catch the declination, held a hearing, and issued an

¹ Appl. – ECF No. 1. Citations refer to material in the Electronic Case File (ECF); pinpoint citations are to the ECF-generated page numbers at the top of documents.

² Declination – ECF No. 16.

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1 order.³ Because it issued an order, in the interest of efficiency, the court now incorporates the
2 earlier order fully by this analysis, attaches it for ease of reference, asks the Clerk of Court to
3 assign the case to a district judge, and recommends that the newly assigned judge grant the SEC's
4 motion for the reasons set forth in the order.⁴

5 Any party may file objections to this report and recommendation with the district judge within
6 fourteen days after being served with a copy. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); N.D.
7 Cal. Civ. L.R. 72. Failure to file an objection may waive the right to review of the issue in the
8 district court.

9 **IT IS SO ORDERED AND RECOMMENDED.**

10 Dated: February 16, 2024



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12 LAUREL BEELER
13 United States Magistrate Judge
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27 ³ Miscellaneous cases usually involve discovery, and declinations are rare.

28 ⁴ Order – ECF No. 37.