



(PS) Johnson v. Mehrabi

2015 | Cited 0 times | E.D. California | March 16, 2015

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1 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

Plaintiff, v. KARIM MEHRABI, and DOES 1-10,

Defendants.

No. 2:13-cv-1519-KJM-EFB

ORDER

Plaintiff's motion for default judgment came on regularly for hearing before the magistrate judge on September 3, 2014. The matter was referred to a United States Magistrate Judge as provided by Local Rule 302(c)(19) and 28 U.S.C. § 636(b)(1). On January 14, 2015, the magistrate judge filed findings and recommendations, which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed. The court presumes that any findings of fact are correct. See *Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. See *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis. ///// 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

2 At the time of the hearing before the magistrate judge, counsel for defendant represented that the parties had reached a stipulation to withdraw plaintiff's motion for default judgment. Findings and Recommendations at 6, ECF No. 16. The parties have not filed that stipulation. The magistrate judge recommends the motion be denied and that will be the order of the court. Defendant Mehrabi's default, ECF No. 13, has not been set aside. Good cause appearing, defendant will be directed to file, within fifteen days, either a stipulation to set aside the July 3, 2014 entry of default, ECF No. 13, and an answer to the complaint or a motion to set aside the default accompanied by a proposed answer.

Accordingly, IT IS HEREBY ORDERED that: 1. The Findings and Recommendations filed January 14, 2015, are adopted in full; 2. Plaintiff's motion for default judgment, ECF No. 14, is denied; and 3.



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Within fifteen days from the date of this order defendant shall file either a stipulation to set aside the July 3, 2014 entry of default and an answer to the complaint or a motion to set aside the July 3, 2014 entry of default accompanied by a proposed answer to the complaint. DATED: March 13, 2015.

