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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DUANE H. SCEPER,

Plaintiff,

vs.

No. 2:09-cv-2878 GEB JFM

RASHED KAID MOHAMMED,
RASHED KAID MOHAMMED, dba
FARMERS MINI MARKET, FARMER
MINI MARKET AKA FARMERS
MARKET; and DOES 1 THROUGH 10,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

Presently calendared for hearing on January 14, 2010 is plaintiff's motion for entry of default judgment. Pursuant to Local Rule 230(g), the court has determined that the matter will be submitted on the papers without oral argument. Upon review of the motion and the documents in support and opposition, and good cause appearing therefor, THE COURT MAKES THE FOLLOWING FINDINGS:

The complaint in this matter was served upon defendants Mohammed and Farmers Mini Market on October 25, 2009, and proof of service was filed November 15, 2009. Cf. Pacific Atlantic Trading Co. v. M/V Main Express, 758 F.2d 1325, 1331 (9th Cir. 1985) (noting that default judgment void without personal jurisdiction). The Clerk of the Court entered

1 default against both defendants on November 18, 2009. Plaintiff's present motion for entry of
2 default judgment was served by mail on both defendants.

3 Entry of default effects an admission of all well-pleaded allegations of the
4 complaint by the defaulted party. Geddes v. United Financial Group, 559 F.2d 557, 560 (9th Cir.
5 1977). Entry of default judgment is proper where, as in the present case, the facts established by
6 the default support the causes of action pled in the complaint. The complaint and the affidavits
7 filed in support of the motion for entry of default judgment also support the finding that plaintiff
8 is entitled to the relief requested in the prayer for default judgment, which does not differ in kind
9 from the relief requested in the complaint. Henry v. Sneiders, 490 F.2d 315, 317 & n.2 (9th Cir.
10 1974). There are no policy considerations to preclude the entry of default judgment of the type
11 requested. See Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986) (enumerating factors to
12 be considered).

13 Accordingly, IT IS HEREBY ORDERED that the January 14, 2010 hearing is
14 vacated; and

15 IT IS HEREBY RECOMMENDED that plaintiff's December 11, 2009 motion for
16 entry of default judgment (Doc. No. 12) be GRANTED and that judgment be awarded against
17 defendants Mohammed and Farmers Mini Market in the amount of \$8,000.00. Further, that
18 injunctive relief be granted against defendant Mohammed requiring a properly-configured van
19 accessible disabled parking space with an accessible route to an accessible entrance and
20 appropriate signage in conformity with the Americans with Disabilities Act Accessibility
21 Guidelines (ADAAG) as set forth in 28 Code of Federal Regulations, Part 36.

22 These findings and recommendations are submitted to the United States District
23 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
24 fourteen days after being served with these findings and recommendations, any party may file
25 written objections with the court and serve a copy on all parties. Such a document should be
26 captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties are

1 advised that failure to file objections within the specified time may waive the right to appeal the
2 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 DATED: January 12, 2010.

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6 UNITED STATES MAGISTRATE JUDGE

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