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

SCOTT JOHNSON,

Plaintiff,

No. 2:11-cv-3008 LKK CKD

vs.

SAMMY'S RESTAURANT, INC.,

Defendant.

ORDER

_____ /

On November 2, 2012, the court issued findings and recommendations recommending that plaintiff's motion for default judgment be granted. On November 12, 2012, defendant, through an attorney on his behalf, filed an answer. Because defendant is now represented by counsel and it appears that defendant intends to defend this case, the court will vacate the previously issued finding and recommendations.

Accordingly, IT IS HEREBY ORDERED that:

1. The entry of default (dkt. no. 9) is vacated.
2. The findings and recommendations (dkt. no. 21) are vacated.

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1 3. The motion for default judgment (dkt. no. 19) is denied without prejudice.

2 Dated: November 14, 2012

3 
4 CAROLYN K. DELANEY
5 UNITED STATES MAGISTRATE JUDGE

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7 4 /johnson-sammyrest3008.vac
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