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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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10 GOLDEN SCORPIO CORP., an Arizona  
corporation,

No. CV-08-1781-PHX-GMS

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Plaintiff,

**ORDER**

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vs.

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STEEL HORSE SALOON I, et al.,

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Defendants.

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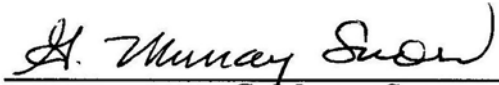
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Pending before the Court is the Motion for Default Judgment of Plaintiff Golden Scorpio Corp. (Dkt. # 49.) In the motion, Plaintiff requests an entry of judgment against defendants Steel Horse Saloon IV, Steel-Horse.com, Steel Horse Grill and Saloon, and The Steel Horse Saloon II. When considering whether to enter a default judgment, a court has “an affirmative duty to look into its jurisdiction over both the subject matter and the parties.” *In re Tuli*, 172 F.3d 707, 712 (9th Cir. 1999) (“To avoid entering a default judgment that can later be successfully attacked as void, a court should determine whether it has the power, i.e., the jurisdiction, to enter judgment in the first place.”). “[W]hen a court is considering whether to enter a default judgment, it may dismiss an action *sua sponte* for lack of personal jurisdiction.” *Id.* Where there are questions about the existence of personal jurisdiction, however, a court should allow the plaintiff the opportunity to establish that jurisdiction is proper. *Id.* at 713.

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**IT IS THEREFORE ORDERED** directing Plaintiff to show cause as to why the Court should not dismiss Defendants Steel Horse Saloon IV, Steel-Horse.com, Steel Horse Grill and Saloon, and The Steel Horse Saloon II from the action for lack of personal jurisdiction. Plaintiff shall file a memorandum and the factual record supporting personal jurisdiction on or before **February 6, 2009**.

DATED this 27<sup>th</sup> day of January, 2009.

  
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G. Murray Snow  
United States District Judge