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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Danielle Perez,

10 Plaintiff,

11 v.

12 Manuel Soto Escalante,

13 Defendant.
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No. CV-17-1574-PHX-DKD

REPORT AND RECOMMENDATION

15 TO THE HONORABLE STEPHEN M. MCNAMEE, SENIOR U.S. DISTRICT JUDGE:

16 On December 4, 2017, Plaintiff filed an Application for Entry of Default and the
17 Clerk of the Court entered default on December 5, 2017 (Docs. 11, 12). This matter
18 having come before the Court on Plaintiff's Motion for Default Judgment (Doc. 16), and
19 the Court having reviewed the pleadings on the issue of the relief to be awarded to
20 Plaintiff, and the evidence presented by Plaintiff, finds that Defendant Manuel Soto
21 Escalante was served with Plaintiff's summons and complaint, but failed to appear or
22 otherwise defend this matter. Plaintiff is entitled to judgment against Defendant.

23 Accordingly, **IT IS RECOMMENDED** that a District Judge for the Phoenix
24 Division grant Plaintiff's Motion for Default Judgment (Doc. 16).

25 **IT IS FURTHER RECOMMENDED** that the Court enter default judgment in
26 favor of Plaintiff Danielle Perez and against Defendant Manuel Soto Escalante as
27 follows:
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1 A. For Plaintiff's damages in the sum of Forty Seven Thousand Four Hundred
2 and Thirty Dollars and Zero Cents (\$47,430.00);

3 B. For Plaintiff's attorneys' fees in the amount of Two Thousand Two
4 Hundred and Twelve Dollars (\$2,212.00);

5 C. For Plaintiff's costs in the amount of Six Hundred and Eighty Four Dollars
6 and Seventy Cents (\$684.70); and

7 D. For post-judgment interest on the above amounts at the rate of 2.07% per
8 annum.

9 This recommendation is not an order that is immediately appealable to the Ninth
10 Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules
11 of Appellate Procedure, should not be filed until entry of the district court's judgment.
12 The parties shall have fourteen days from the date of service of a copy of this
13 recommendation within which to file specific written objections with the Court. *See*, 28
14 U.S.C. § 636(b)(1); Rules 72, 6(a), 6(b), Federal Rules of Civil Procedure. Thereafter,
15 the parties have fourteen days within which to file a response to the objections. Failure
16 timely to file objections to the Magistrate Judge's Report and Recommendation may
17 result in the acceptance of the Report and Recommendation by the district court without
18 further review. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).
19 Failure timely to file objections to any factual determinations of the Magistrate Judge will
20 be considered a waiver of a party's right to appellate review of the findings of fact in an
21 order or judgment entered pursuant to the Magistrate Judge's recommendation. *See*
22 Rule 72, Federal Rules of Civil Procedure.

23 Dated this 12th day of April, 2018.

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David K. Duncan
United States Magistrate Judge

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28 cc: SMM