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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

#27

CIVIL MINUTES - GENERAL

Case No.	CV 12-4012 PSG (SSx)	Date	April 29, 2013
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Title	U.S. Commodity Futures Trading Commission v. Michael J. Leighton
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Present:	The Honorable Philip S. Gutierrez, United States District Judge
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Wendy K. Hernandez	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

Proceedings: (In Chambers) Order DENYING Motion for Default Judgment WITHOUT PREJUDICE

On March 13, 2013, Plaintiff U.S. Commodity Futures Trading Commission (“Plaintiff”) filed a motion for default judgment against Defendant Michael J. Leighton (“Defendant”). Dkt. # 27. While Plaintiff has filed a notice of motion, there is no indication that the motion for default judgment has been served on Defendant because Plaintiff has not filed a proof of service as to the motion.¹ Because Defendant does not appear to be registered with the CM/ECF System, pursuant to Local Rule 5-3.3, Defendant must be served with the motion for default judgment in accordance with Local Rule 5-3.1, which requires a proof of service in accordance with Local Rule 5-3.2. *See* L.R. 5-3.1, 5-3.2, 5-3.3. Because Plaintiff has not filed an accompanying proof of service, the motion for default judgment is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

¹Plaintiff did file a proof of service as to the application for leave to file excess pages in support of its motion for default judgment, but did not file a proof of service as to the motion and accompanying memorandum.