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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

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LENA HAMMETT, an individual, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ELVIN EUGENE HAMMETT, aka )  
 GENE HAMMETT, an individual; )  
 C.L. BRYANT, INC., a California )  
 corporation; the UNITED STATES OF )  
 AMERICA; and all persons unknown, )  
 claiming any legal or equitable right, title, )  
 estate, lien, or interest in the property )  
 described in the complaint adverse to )  
 plaintiff's title, or any cloud on plaintiff's )  
 title thereto; and DOES 1-50, inclusive, )  
 Defendants. )

Case No. 07cv01195 DLB

**ORDER DISMISSING DEFENDANT UNITED STATES OF AMERICA**

**ORDER DENYING REQUEST FOR ENTRY OF DEFAULT JUDGMENT**

Based upon the foregoing Stipulation and good cause appearing therefor,

**IT IS HEREBY ORDERED** that

1. Defendant United States of America is dismissed from this action with prejudice. Defendant United States of America shall be responsible for its own costs and attorneys' fees; and

CASWELL BELL & HILLISON LLP

1           2. The parties' request for default judgment against Defendant Elvin Eugene  
2 Hammett is DENIED. Requests for default judgment must be made by noticed motion,  
3 pursuant to Rule 55(b) of the Federal Rules of Civil Procedure.

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IT IS SO ORDERED.

**Dated: January 20, 2009**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE

CASWELL, PHELPS & HOLLISON LLP