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

UNITED STATES OF AMERICA,

CASE NO. CV F 08-1643 LJO SMS

Plaintiff,

**ORDER TO CONTINUE PRE-TRIAL AND  
TRIAL DATES (Doc. 49)**

vs.

LOWELL D. WELDON, BESSIE L.  
WELDON, MIDLAND MORTGAGE CO.,  
a.k.a., MIDFIRST BANK, STATE OF  
CALIFORNIA FRANCHISE TAX BOARD,  
and COUNTY OF FRESNO,

Defendants.

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Pursuant to a February 6, 2009 scheduling order, this matter is set for a March 15, 2010 pre-trial conference and an April 12, 2010 court trial. On March 5, 2010, plaintiff United States of America (“Plaintiff”) requested to continue the pre-trial and trial dates. Plaintiff based on the request on the following facts: (1) No defendants other than the California Franchise Tax Board (“State”) and the County of Fresno (“County”) have appeared in this action; (2) on April 10, 2009, Plaintiff, State and County entered into a stipulation regarding lien priority; (3) State and County are dismissed from this action; (4) On February 24, 2010, United States Magistrate Judge Sandra M. Snyder referred her findings and recommendations that Plaintiff’s motion for entry of default judgment against the remaining defendants be granted; (5) objections to the findings and recommendations are not due until March 29, 2010; (6) if granted, the findings and recommendations will be dispositive, rendering moot the pre-trial

1 conference and trial.

2 Having considered Plaintiff's request, this Court:

- 3 1. GRANTS Plaintiff's request for a continuance of the pre-trial and trial dates;
- 4 2. CONTINUES the March 15, 2010 pre-trial conference to May 17, 2010 at 8:30 a.m. in
- 5 Courtroom 4 (LJO); and
- 6 3. CONTINUES the April 12, 2010 court trial to June 21, 2010.

7 IT IS SO ORDERED.

8 **Dated: March 5, 2010**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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