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2 **IN THE UNITED STATES DISTRICT COURT**  
3 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
4

5 UNITED STATES OF AMERICA,

CASE NO. CV F 08-1643 LJO SMS

6 Plaintiff,

**ORDER VACATING TRIAL DATE  
AND PRETRIAL CONFERENCE**

7 vs.

8 LOWELL D. WELDON, BESSIE L.  
9 WELDON, MIDLAND MORTGAGE  
10 COMPANY, STATE OF CALIFORNIA  
FRANCHISE TAX BOARD, COUNTY OF  
FRESNO,

11 Defendants.  
12 \_\_\_\_\_/

13 The Court has received and reviewed plaintiff's request to vacate the June 21, 2010 trial date and  
14 the May 10, 2010 pretrial conference.

15 The procedural posture of this case warrants vacating these dates. All parties have either  
16 defaulted or stipulated to the requested relief. On March 30, 2010, the Court ordered that Default  
17 Judgment be entered against Defendants Lowell Weldon, Bessie Weldon, and Midland Mortgage  
18 Company. On April 10, 2009, the United States, defendant State of California Franchise Tax Board and  
19 defendant County of Fresno entered into a Stipulation Regarding Lien Priority, determining their relative  
20 lien priority on the Property which is the subject of this litigation. Accordingly, all issues to be tried  
21 have been resolved either through default judgment or stipulation. Therefore, the June 21, 2010 trial  
22 date and the May 10, 2010 pretrial conference are VACATED.

23 The Weldons have filed two motions to set aside the default judgment. The Court will consider  
24 the motions to set aside the judgment in due course.

25 IT IS SO ORDERED.

26 **Dated: April 21, 2010**

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