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

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PATRICIA VALDEZ,

Plaintiff,

vs.

PAUL LAW OFFICES,

Defendant.

) 1:09cv01353 OWW DLB

) ORDER REGARDING PLAINTIFF'S
) MOTION FOR DEFAULT JUDGMENT
) (Document 11)

On November 23, 2009, Plaintiff Patricia Valdez ("Plaintiff") filed the present motion for default judgment against Defendant Paul Law Offices ("Defendant"). The motion was referred to this Court pursuant to [28 U.S.C. § 636\(b\)\(1\)\(B\)](#) and Local Rule 302. The matter was heard on February 19, 2010, before the Honorable Dennis L. Beck, United States Magistrate Judge. Nicholas Bontrager appeared telephonically on behalf of Plaintiff. Defendant did not appear.

Plaintiff filed the underlying complaint for violation of the Fair Debt Collection Practices Act (15 U.S.C. § 1692 *et seq.*) ("FDCPA") against Defendant Paul Law Offices on August 3, 2009. According to the Complaint, Defendant Paul Law Offices ("Defendant") is a debt collector seeking to collect a consumer debt from Plaintiff. Plaintiff alleges that Defendant constantly and continuously places collection calls to Plaintiff demanding payment for a credit card that Plaintiff did not open and

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1 does not owe. Defendant places calls to Plaintiff both from "unknown" telephone numbers and from
2 telephone numbers identified by caller ID as 801-466-2130.

3 As discussed at the hearing, however, Plaintiff asserts no factual allegations to indicate that
4 the caller was from the Defendant law firm. Plaintiff has identified no facts to show that Defendant
5 was responsible for the calls. Accordingly, the instant motion for default judgment is taken OFF
6 CALENDAR. The motion is DENIED WITHOUT PREJUDICE to allow Plaintiff to gather any
7 factual support to establish that Defendant Paul Law Offices is the responsible party and to resubmit
8 the motion.

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10 IT IS SO ORDERED.

11 **Dated: February 22, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE