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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JOHN D. HORTON,	CASE NO. 1:09-cv-01441-AWI-SMS
Plaintiff,	
v.	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS RECOMMENDING DENIAL OF PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT
SIERRA CONSERVATION CENTER, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION,	
Defendant.	(Docs. 12 & 13)

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Plaintiff John D. Horton moved for default judgment against Defendant Sierra Conservation Center, California Department of Corrections and Rehabilitation on February 12, 2010 (Doc. 12). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Noting that Plaintiff was unable to state the date of service since the U.S. Marshal's Affidavit of Service had not yet been returned and that Defendant had filed its answer on the same date that Plaintiff moved for default judgment, on March 1, 2010, the Magistrate Judge recommended that Plaintiff's motion be denied (Doc. 13).

The Findings and Recommendations were served on the parties and contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty days. No party has filed objections.

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1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a  
2 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings  
3 and Recommendations to be supported by the record and proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations, filed March 1, 2010, are adopted in full;
- 6 2. Plaintiff John D. Horton's motion for default judgment (Doc. 12) is DENIED; and
- 7 3. This matter is referred back to the Magistrate Judge for the resolution of other  
8 pending motions.

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11 IT IS SO ORDERED.

12 **Dated: March 31, 2010**

/s/ Anthony W. Ishii  
CHIEF UNITED STATES DISTRICT JUDGE