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

MARTELLA AUCTION COMPANY,  
INC.,

Plaintiff,

v.

TRI STATE CONSTRUCTION, INC.,  
et al.,

Defendants.

Case No.: 1:10-cv-00258 LJO JLT

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. 25)

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On December 14, 2010, Plaintiff filed a request for default judgment against the interests of Defendants Tri State Construction, Inc. and Morton Engineering and Construction, Inc. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(19). On December 15, 2010, the magistrate judge filed findings and recommendations which were served on the parties and which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. As of the date of this order, no objections to the findings and recommendations have been filed.

The Court has conducted a de novo review of this case in accordance with 28 U.S.C. 636(b)(1)(B) and Local Rule 302. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations of the magistrate judge filed December 15, 2010, are adopted in full; and
2. Plaintiff's request for the entry of default judgment against the interests of Defendants Tri State Construction, Inc. and Morton Engineering and Construction, Inc. is granted.

As such, this Court FURTHER ORDERS that defendants Tri State Construction, Inc. and Morton Engineering and Construction, Inc. have no interest in the funds described in the Complaint in Interpleader filed by plaintiff Martella Auction Company, Inc. in this action and that defendants Tri State Construction, Inc. and Morton Engineering and Construction, Inc. have no right to participate in further proceedings in this action.

IT IS SO ORDERED.

**Dated: January 4, 2011**

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