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

JESUS SOSA,	)	1:10-cv-01446 LJO GSA
	)	
Plaintiff,	)	<b>ORDER ADOPTING FINDINGS AND</b>
	)	<b>RECOMMENDATIONS OF</b>
v.	)	<b>MAGISTRATE JUDGE</b>
	)	
GIL RUBIO, dba CARNICERIA &	)	
TAQUERIA MEXICO; HARPREET KAUR,	)	
	)	
Defendants.	)	
	)	

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On August 12, 2010, Plaintiff JESUS SOSA filed a Complaint against Defendants GIL RUBIO dba CARNICERIA & TAQUERIA MEXICO and HARPREET KAUR. The Complaint seeks damages and injunctive relief pursuant to the Americans with Disabilities Act, California Civil Code sections 51, 54 and 54.1, and the California Health and Safety Code. (Doc. 2.)

On September 17, 2010, Plaintiff filed a proofs of service indicating that Defendant Rubio and Defendant Kaur had each been served with the summons and complaint. (Doc. 7-8.) On November 16, 2010, the Clerk of the Court entered default as to both Defendants. (Docs. 11-12.)

1 On December 6, 2010, Plaintiff filed a Motion for Default Judgment. (Doc. 14; *see also*  
2 Docs. 15-16.) On January 4, 2011, Defendants filed a Motion to Set Aside the Clerk's Default.  
3 (Doc. 17.) On February 1, 2011, Plaintiff filed his Opposition to Defendants' motion. (Doc. 20.)

4 On February 24, 2011, the Magistrate Judge filed Findings and Recommendations which  
5 were served on the parties and which contained notice to the parties that any objections to the  
6 Findings and Recommendations were to be filed within fifteen days. To date, no party has  
7 opposed the Findings and Recommendations.

8 In accordance with the provisions of Title 28 of the United States Code section  
9 636(b)(1)(C) and Local Rule 305, this Court has conducted a *de novo* review of this case.  
10 Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to  
11 be supported by the record and by proper analysis.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The Findings and Recommendations, filed February 24, 2011, are adopted in full;
- 14 2. Defendants' motion to set aside entry of default is GRANTED; and
- 15 3. Plaintiff's motion for default judgment is DENIED.

16  
17  
18 IT IS SO ORDERED.

19 Dated: March 14, 2011

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