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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA.

Case No. 1:14-cv-00225-AWI-SKO

Plaintiff,

**ORDER DIRECTING CLERK OF COURT
TO ENTER DEFENDANTS' DEFAULTS**

v.

BARRY HALAJIAN; BARRY HALAJIAN
SS MUNICIPLE CORPORATION,

Defendants.

_____ /

I. INTRODUCTION

This action proceeds on the United States' complaint for declaratory and injunctive relief. Plaintiff currently seeks an entry of default as to Defendants Barry Halajian SS Municiple Corporation and Barry Halajian for failure to respond to the complaint. For the reasons set forth below, the Clerk of Court is DIRECTED to enter Defendants' defaults.

II. BACKGROUND

On February 19, 2014, the United States ("Plaintiff") filed this suit for declaratory judgment and injunctive relief against Defendants Barry Halajian SS Municiple Corporation and Barry Halajian (collectively "Defendants). (Doc. 1.) Plaintiff requested permission to serve Defendants by publication, which was granted. (Docs 5, 8.) A certification of publication was filed by Plaintiff on April 17, 2014, indicating Plaintiff served Defendants by publication notice in

1 the Fresno Bee once a week for four weeks on March 7, 2014, March 14, 2014, March 21, 2014,
2 and March 28, 2014.

3 Defendants were required to answer or respond to the complaint within twenty-one days
4 after service; Defendants' responsive pleading was due no later than April 21, 2014. On April 21,
5 Defendant Barry Halajian filed a request for a 60-day extension of time to file a response to the
6 complaint. (Doc. 11.)

7 The Court issued an order on April 24, 2014, granting Defendant Barry Halajian's request;
8 he was permitted until June 26, 2014, to file a responsive pleading. (Doc. 12.) As to Barry
9 "Halajian SS Munciple Corporation," the Court noted that an entity defendant could only appear
10 in federal court through licensed counsel. As such, Halajian SS Munciple Corporation was
11 ordered to retain counsel and file a responsive pleading by no later than June 26, 2014. The Court
12 warned that if the entity failed to retain counsel and file a responsive pleading, the Court would
13 enter its default. (Doc. 12.) No responsive pleading was filed by either Defendant. On June 30,
14 2014, Plaintiff requested that the Clerk of Court enter Defendants' default. (Doc. 14.)

15 III. DISCUSSION

16 "[A] corporation may appear in the federal courts only through licensed counsel."
17 *Rowland v. Cal. Men's Colony*, 506 U.S. 194, 202 (1993); *United States v. High Country Broad.*
18 *Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993) (per curiam); *see also Osborn v. Bank of U.S.*, 22 U.S. (9
19 Wheat.) 738, 829 (1824). All artificial entities must appear in federal court through counsel.
20 *Rowland*, 506 U.S. at 202. Additionally, Rule 183(a) of the Local Rules for the United States
21 District Court, Eastern District of California provides: "A corporation or other entity may appear
22 only by an attorney." Default and default judgment are "permissible sanction[s] for failure to
23 comply with local rules requiring representation by counsel." *Emp. Painters' Trust v. Ethan*
24 *Enters, Inc.*, 480 F.3d 993, 998 (9th Cir. 2007); *see also High Country Broad. Co., Inc.*, 3 F. 3d at
25 1245 (finding the district court's entry of default judgment "perfectly appropriate" when a
26 corporation failed to obtain counsel). Additionally, when a party fails to plead or otherwise
27 defend a suit, and that failure is shown by affidavit or otherwise, the clerk of court must enter the
28 party's default. Fed. R. Civ. P. 55(a).

1 Here, Plaintiff filed a request that the clerk of court enter Defendants' default for failure to
2 respond to the complaint. (Doc. 14.) Because Defendants have failed to file a responsive pleading
3 within the time permitted by the Court and have failed to comply with the Court's April 24, 2014,
4 order, it is appropriate to enter their default. Fed. R. Civ. P. 55(a); *Emp. Painters' Trust*, 480 F.3d
5 at 998.

6 **IV. CONCLUSION AND ORDER**

7 For the reasons set forth above, it is appropriate that Defendants' defaults be entered
8 pursuant to Plaintiffs' request. Accordingly, the IT IS HEREBY ORDERED that:

- 9 1. The Clerk of Court is DIRECTED to enter Defendants' defaults; and
10 2. Any motion for default judgment should be filed by no later than August 29, 2014.

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13 IT IS SO ORDERED.

14 Dated: August 1, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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