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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

JAMES CATO, JR.,

Plaintiff,

V.

G. SILVA, et al.,

Defendants.

Plaintiff,

DESENDANT DUMONT'S MOTION TO SET

ASIDE ENTRY OF DEFAULT, DENYING

PLAINTIFF'S MOTION FOR DEFAULT

JUDGMENT AS MOOT, AND GRANTING

DEFENDANT DUMONT THIRTY DAYS TO RE
FILE ANSWER TO COMPLAINT

[ECF Nos. 24, 25]

Plaintiff James Cato, Jr. is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 4, 2015, the Magistrate Judge filed a Findings and Recommendations which was served on the parties and which contained notice to the parties that objections to the Findings and Recommendations were to be filed within twenty days. Plaintiff filed objections on March 23, 2015, and Defendant filed a response on March 27, 2015. Local Rule 304(b), (d).

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

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Accordingly, IT IS HEREBY ORDERED that:

- 1. The Findings and Recommendations, filed on March 4, 2015, is adopted in full;
- 2. Defendant Dumont's motion to set aside entry of default is GRANTED;
- 3. Plaintiff's motion for default judgment is DENIED as MOOT; and
- 4. Defendant Dumont has thirty (30) days from the date of service of this order to re-file his answer to the complaint.

IT IS SO ORDERED.

Dated: March 30, 2015 /s/ Lawrence J. O'Neill UNITED STATES DISTRICT JUDGE