1		
2		
3		
4		
5 6		
7		
8	UNITED STAT	TES DISTRICT COURT
9	EASTERN DISTRICT OF CALIFORNIA	
10		
11	FREDERICK ANDERSON,) Case No.: 1:16-cv-00251- LJO - JLT
12	Plaintiff,)) ORDER ADOPTING IN FULL THE FINDINGS
13	v.	 AND RECOMMENDATIONS DENYING WITHOUT PREJUDICE THE PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT
14	RIVERWALK HOLDINGS, LTD, et al.) (Docs. 26, 34)
15	Defendants.)))
16		
17	Plaintiff Frederick Anderson, seeks the entry of default judgment Defendant Riverwalk	
18	Holdings, Ltd. (Doc. 26) On December 16, 2016, the assigned magistrate judge found the factors	
19	articulated by the Ninth Circuit in Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986), weighed	
20	against the entry of default judgment. (Doc. 34 at 4-7) In addition, the magistrate judge found it was	
21	"in the interest of justice to not enter default judgment while Robert Kennard, Donald Nelson, and	
22	Nelson & Kennard remain to defend." (Id. at 8, citing SEC v. Loomis, 2010 U.S. Dist. LEXIS 87021,	
23	at *12-13 (E.D. Cal. Aug. 2010) (finding just reason for delay in entry of default judgment "given the	
24	overlapping nature of the claims as to different defendants"). Therefore, the magistrate judge	
25	recommended Plaintiff's motion be denied. (<u>Id.</u> at 8)	
26	The parties were given fourteen days to file any objections to the recommendation that the	
27	action be dismissed. (Doc. 34 at 8) In addition	n, the parties were "advised that failure to file objections

28 within the specified time may waive the right to appeal the District Court's order." (Id., citing Martinez

1	v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Wilkerson v. Wheeler, 772 F.3d 834, 834 (9th Cir. 2014)). To	
2	date, no objections have been filed.	
3	In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and <u>Britt v. Simi Valley United</u>	
4	School Dist., 708 F.2d 452, 454 (9th Cir. 1983), this Court conducted a de novo review of the case.	
5	Having carefully reviewed the file, the Court finds the Findings and Recommendations are supported	
6	by the record and proper analysis.	
7	Accordingly, IT IS HEREBY ORDERED:	
8	1. The Findings and Recommendations dated December 16, 2016 (Doc. 34) are	
9	ADOPTED IN FULL; and	
10	2. Plaintiff's application for default judgment (Doc. 26) DENIED without prejudice.	
11		
12	IT IS SO ORDERED.	
13	Dated: January 11, 2017 /s/ Lawrence J. O'Neill	
14	UNITED STATES CHIEF DISTRICT JUDGE	
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
	2	