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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUCARIA TENORIO,
Plaintiff,
v.
GABRIEL GALLARDO SR., et al.,
Defendants.

No. 1:16-cv-0283-DAD-JLT

ORDER ADOPTING THE FINDINGS AND
RECOMMENDATIONS STRIKING THE
ANSWER OF KERN COUNTY
CULTIVATION, INC. AND ENTERING
DEFAULT

(Doc. No. 71)

On May 10, 2017, the court granted the motion of counsel to withdraw from their representation of defendants Gabriel Gallardo, Sr., Manuel Gallardo, Silvia Gallardo, and Kern County Cultivation, Inc. (Doc. No. 60.)¹ In that order, the court noted that as a corporation, Kern County Cultivation, Inc., would have to retain new counsel to proceed in this action because a corporation may not appear without counsel. (*Id.*) On June 22, 2017, the assigned magistrate judge issued an order requiring defendant Kern County Cultivation, Inc. to show cause why sanctions, including the striking of its answer and the entry of default against it, should not be imposed due to its failure to comply by appearing through new counsel. Nonetheless, defendant

¹ As noted in that order, Silvia Gallardo signed the declaration on behalf of defendant Kern County Cultivation, Inc. as its President. (*See* Doc. No. 54 at 3.)

1 Kern County Cultivation, Inc. failed to respond to the order to show cause or to appear in this
2 action through new counsel. Therefore, on August 3, 2017, the assigned magistrate judge issued
3 findings and recommendations recommending that defendant Kern County Cultivation, Inc.'s
4 answer be stricken and default be entered against it. (Doc. No. 71.)

5 The parties were given fourteen days to file any objections to the findings and
6 recommendations. (Doc. No. 71 at 4.) In addition, the parties were "advised that failure to file
7 objections within the specified time may waive the right to appeal the District Court's order."
8 (*Id.*) To date, no objections to the magistrate judge's recommendation have been filed.


9 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court conducted a de
10 novo review of the case. Having carefully reviewed the file, the court finds the findings and
11 recommendations are supported by the record and proper analysis.

12 Accordingly,

- 13 1. The findings and recommendations dated August 3, 2017 (Doc. No. 71) are adopted in
14 full;
- 15 2. Defendant Kern County Cultivation, Inc.'s answer (Doc. No. 52) is stricken; and
- 16 3. The Clerk of Court is directed enter default against defendant Kern County Cultivation,
17 Inc.

18 IT IS SO ORDERED.

19 Dated: October 26, 2017

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22 UNITED STATES DISTRICT JUDGE
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