

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE ACOSTA,
Plaintiff,
v.
MARIA DE JESUS AQUAYO; JOSE A.
CHAVIRA,
Defendants.

No. 1:17-cv-01047-LJO-BAM
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO SET ASIDE
DEFAULT, VACATE FINDINGS AND
RECOMMENDATIONS REGARDING
MOTION FOR DEFAULT JUDGMENT AND
DENY MOTION FOR DEFAULT
JUDGMENT WITHOUT PREJUDICE AS
MOOT

(Doc. Nos. 8, 10, 13, 16, 18, 19)

ORDER DIRECTING DEFENDANTS TO
FILE A RESPONSE TO THE COMPLAINT
WITHIN FOURTEEN DAYS

FOURTEEN-DAY DEADLINE

On May 1, 2018, the assigned Magistrate Judge issued findings and recommendations that (1) the motion to set aside the entry of default filed by Defendants Maria De Jesus Aquayo and Jose Chavira be granted; (2) the Clerk of the Court be directed to set aside their default; (3) the findings and recommendations regarding Plaintiff Jose Acosta’s motion for default judgment be vacated; (4) Plaintiff’s motion for default judgment be denied without prejudice as moot; and (5) Defendants Aquayo and Chavira be directed to file a response to the complaint following adoption of the findings and recommendations. (Doc. No. 19.) The findings and

1 recommendations were served on the parties, and contained notice that any objections must be
2 filed within fourteen (14) days of service of the order. No objections were filed.

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a
4 *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the
5 findings and recommendations are supported by the record and proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations issued on May 1, 2018, are adopted in full;
- 8 2. Defendants' motion to set aside the entry of default is granted;
- 9 3. The Clerk of the Court is directed to set aside the default as to Defendants Maria
10 De Jesus Aquayo and Jose A. Chavira;
- 11 4. The findings and recommendations regarding Plaintiff's motion for default
12 judgment issued on January 24, 2018, are vacated;
- 13 5. Plaintiff's motion for default judgment filed on December 11, 2017, is denied
14 without prejudice as moot; and
- 15 6. Defendants Aquayo and Chavira are directed to file a response to the complaint
16 within **fourteen (14) days** after being served with a copy of this order.

17
18 IT IS SO ORDERED.

19 Dated: May 30, 2018

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