UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SARAI MEDRANO, Plaintiff, v. GREAT MERCANTILE AGENCY, INC., Defendant.	Case No.: 1:17-cv-01392 LJO JLT ORDER REQUIRING FURTHER BRIEFING RE: MOTION FOR DEFAULT JUDGMENT (Doc. 8)

The plaintiff seeks default judgment against the defendant. (Doc. 8) However, the motion fails to demonstrate the elements the Court must consider when evaluating whether it should grant default judgment. Indeed, in considering the motion, the Court cannot find that the plaintiff has stated a claim. Thus, the Court **ORDERS**:

1. **No later than May 4, 2018**, the plaintiff **SHALL** file a supplemental brief that addresses the following:

a. Specific, on point legal authority that a debt collector's report to a debtor that it reserves the right to refuse partial payments constitutes a threat to take action that cannot be taken legally;

b. That, on the facts alleged here, the debt collector is a "creditor" for purposes of the Truth in Lending Act. In doing so, the plaintiff also **SHALL** explain how the exhibits attached to the complaint demonstrate that the defendant imposed a finance charge.

2. Alternatively, **no later than May 4, 2018**, the plaintiff may file a request for voluntary dismissal.

The failure to comply with this order will result in a recommendation that the Court deny default judgment and dismiss the action.

IT IS SO ORDERED.

Dated: **April 10, 2018**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE