Doc. 263 (PC) Lal v. Felker et al 1 2 3 4 5 6 7 8 9 UNITED STATES DISTRICT COURT 10 FOR THE EASTERN DISTRICT OF CALIFORNIA 11 12 No. 2:07-cv-2060-KJM-EFB P AZHAR LAL, 13 Plaintiff, 14 **ORDER** v. 15 FELKER, et al., 16 Defendants. 17 18 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 19 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided 20 by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 On April 3, 2015, the magistrate judge filed findings and recommendations, which were 22 served on all parties and which contained notice to all parties that any objections to the findings 23 and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the 24 findings and recommendations. 25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 26 court has conducted a de novo review of this case. Having carefully reviewed the file, the court 27 finds the findings and recommendations to be supported by the record and by proper analysis. 28 ///// 1

Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed April 3, 2015, are adopted in full. 2. Defendant Flores' motion to set aside default, ECF No. 216, is denied as to the grounds asserted in that motion. 3. Plaintiff's motion for default judgment, ECF No. 214, is denied. 4. Notwithstanding the denial of Flores' motion, and in light of the balancing of the Eitel factors which weigh against the entry of a default judgment, the clerk's entry of default as to Flores is set aside. 5. Defendant Flores is ordered to file a response to the complaint within 14 days of the date of this order. So ordered. DATED: June 1, 2015.