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6	IN THE UNITED STATES DISTRICT COURT
7	FOR THE EASTERN DISTRICT OF CALIFORNIA
8	CHARITY MAE PANTALION,
9	Plaintiff, CIV. NO. S-09-2262 MCE GGH PS
10	VS.
11	RESMAE MORTGAGE CORPORATION, et al.,
12	Defendants. ORDER AND FINDINGS AND RECOMMENDATIONS
13	/
14	Plaintiff is now proceeding with counsel in this action, referred to the undersigned
15	pursuant to Local Rule 72-302(c)(21). By order of May 13, 2010, plaintiff was directed to effect
16	service of process on all defendants who had not yet filed a responsive pleading, and file a
17	statement reflecting service on those defendants within 21 days of that order. Plaintiff was
18	warned that failure to comply with the order would result in a recommendation that those
19	defendants would be dismissed from the action. Plaintiff has not filed anything since that order.
20	It appears from the record that plaintiff had effected proper service on all defendants, see Cal.
21	Code Civ. P. 415.40, except Christopher Cox, and filed an executed summons return on
22	December 31, 2009. Accordingly, only defendant Christopher Cox should be dismissed from the
23	action.
24	Defendants DE HDL, Inc., Hisham Desouki, Jonathan Annett, Fox Fields
25	Financial, Inc., and Christopher Fox have been served but have not filed a responsive pleading.
26	Therefore, these defendants are now in default. As all appearing parties are now represented by

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counsel, the case will be referred back to the district judge and the undersigned makes no
 recommendation as to the defaulting defendants.

Accordingly, IT IS ORDERED that: as all appearing parties are now represented by counsel, the referral to the magistrate judge is withdrawn. However, the magistrate judge shall continue to perform all duties described in Local Rule 72-302(c)(1)-(20).

Good cause appearing, IT IS HEREBY RECOMMENDED that: defendant
7 Christopher Cox be dismissed from this action.

8 These findings and recommendations are submitted to the United States District 9 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(l). Within 10 fourteen (14) days after being served with these findings and recommendations, any party may 11 file written objections with the court and serve a copy on all parties. Such a document should be 12 captioned "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the 13 objections shall be served and filed within fourteen (14) days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to 14 15 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

16 DATED: June 7, 2010

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/s/ Gregory G. Hollows

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U. S. MAGISTRATE JUDGE