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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BANK OF AMERICA, N.A., as Successor  
Trustee to LaSalle Bank National  
Association, as Trustee for the Registered  
Holders of Morgan Stanley Capital I Inc.,  
Commercial Mortgage Pass-Through  
Certificates, Series 2004-HQ4, a national  
banking company,

Plaintiff,

No. 2:09-cv-03557 JAM KJN PS

v.

ABOLGHASSEM ALIZADEH, an  
individual, KOBRA ALIZADEH, an  
individual,

Defendants.

ORDER

On April 28, 2011, the magistrate judge filed findings and recommendations herein which  
were served on the parties and which contained notice that any objections to the findings and  
recommendations were to be filed within fourteen days. No objections were filed.

Accordingly, the court presumes that any findings of fact are correct. See Orand v.  
United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are  
reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.  
1983).

1 The court has reviewed the applicable legal standards and, good cause appearing,  
2 concludes that it is appropriate to adopt the Proposed Findings and Recommendations in full.

3 Accordingly, IT IS ORDERED that:

- 4 1. The Proposed Findings and Recommendations filed April 28, 2011, are ADOPTED;
- 5 2. Defendants' motions to set aside the entry of default (Dkt. Nos. 43, 44) are granted;
- 6 3. The Clerk's Certificate of Entry of Default (Dkt. No. 9) is set aside; and
- 7 4. Plaintiff's motion for default judgment (Dkt. No. 11) is denied.

8 DATED: June 30, 2011

9 /s/ John A. Mendez

10 UNITED STATES DISTRICT JUDGE

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