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

SASHI L. SINGH,

Plaintiff,

CIV. NO. S-10-0836 JAM GGH

vs.

NEW CENTURY MORTGAGE
CORP., et al.,

Defendants.

ORDER

_____/

Plaintiff's amended application for default judgment against defendants MFN Mortgage and Gregory Lynn Nichols, filed July 1, 2011, (dkt. # 45), presently is scheduled for hearing on August 11, 2011. Because plaintiff has continued to fail to serve this defendant with the amended application, which was the basis for the court's previous recommendation that the original application be denied, the instant application will also be denied without prejudice. The fact that MFN has filed an opposition is of no consequence as Fed. R. Civ. P. 55(b)(2) requires advanced written notice of the application notwithstanding actual notice.¹

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¹ Plaintiff is also advised that no exhibits were attached to the Stein declaration, and that they should be attached to a renewed motion.

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Accordingly, IT IS ORDERED that:

1. The August 11, 2011 hearing on plaintiff's amended application for default judgment is vacated.

2. Plaintiff's amended application for default judgment against defendants MFN Mortgage and Gregory Lynn Nichols, filed July 1, 2011, (dkt. # 45), is denied without prejudice to its renewal on proper service to defendants.

DATED: August 3, 2011

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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