

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 SHEPARD JOHNSON,

11 Plaintiff,

No. CIV S-10-1968 GEB GGH PS

12 vs.

13 CHESTER MITCHELL, et al.,

ORDER

14  
15 Defendants.  
16 \_\_\_\_\_/

17 Presently noticed for hearing on March 3, 2011, are three motions to set aside  
18 entries of default, filed by defendants Catherine Mitchell, Chester Mitchell, and David Miner.  
19 Review of the filings submitted thus far indicates that oral argument is unnecessary. Therefore,  
20 the hearing on these motions will be vacated and the motions will taken under submission after  
21 all briefing has been submitted. These matters will not be decided, however, until after the  
22 trustee's motions to intervene and dismiss have been determined.

23 Plaintiff's request for extension of time to file motions for default judgment will  
24 be denied as any such motions are premature.

25 Accordingly, IT IS ORDERED that:

26 1. The March 3, 2011 hearing on motions to set aside entry of default, filed by

1 defendants Catherine Mitchell, Chester Mitchell, and David Miner on January 18, 2011 (dkt. #s  
2 36, 38 and 39), is vacated. The motions shall be submitted for decision without oral argument  
3 after all briefing has been filed.

4 2. Plaintiff's request for extension of time in which to file motions for default  
5 judgments, filed January 13, 2011, (dkt. # 31), is denied without prejudice. Plaintiff shall not file  
6 any motions for default judgment until after the motions to intervene and dismiss have been  
7 decided, and until after defendants' motions to set aside entry of default have been decided.

8 DATED: February 7, 2011

/s/ Gregory G. Hollows

9 

---

GREGORY G. HOLLOWS  
10 U. S. MAGISTRATE JUDGE

11 GGH:076/Johnson1968.subm.wpd  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26