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

ANIMAL BLOOD BANK, INC., a  
California corporation, et al.,

Plaintiffs,

No. CIV-S-10-2080-KJM-KJN

vs.

ANNE S. HALE, an individual,

Defendant.

ORDER

I. “REQUEST FOR ACTION”

Plaintiffs filed a so-called “request for action” on August 9, 2012 in which plaintiffs requested that the court issue an order acting on the magistrate judge’s pending findings and recommendations, discussed below. (ECF 71.) The federal judiciary has procedures in place governing circumstances in which emergency action is necessary. *See* FED. R. CIV. P. 65. Other than requesting the court act on a pending matter, which is tacit in its pending nature, there is no indication as to why counsel felt compelled to submit such a request; the circumstances of the above-captioned matter do not appear to warrant emergency or even immediate action. Counsel shall think twice before submitting such filings on this court’s docket in the future.

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1 II. FINDINGS AND RECOMMENDATIONS

2 On June 13, 2012, the magistrate judge filed findings and recommendations,  
3 which were served on the parties and which contained notice that any objections to the findings  
4 and recommendations were to be filed within fourteen days. No objections were filed.

5 The court presumes that any findings of fact are correct. *See Orand v. United*  
6 *States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are  
7 reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.  
8 1983).

9 The court has reviewed the applicable legal standards and, good cause appearing,  
10 concludes that it is appropriate to adopt the Findings and Recommendations in part. The court  
11 does not adopt the magistrate judge's recommendation that defendant's counterclaim be  
12 dismissed with prejudice because the relevant parties filed, and the court approved, a stipulated  
13 dismissal of defendant's counterclaim while the Findings and Recommendations were pending  
14 (ECF 69, 70).

15 Accordingly, IT IS ORDERED that:

16 1. The Findings and Recommendations filed June 13, 2012, are ADOPTED in  
17 part.

18 2. The Clerk of Court is directed to: (a) strike defendant Anne S. Hale's answer  
19 (ECF 8) to plaintiffs' complaint; and (b) enter Hale's default with respect to plaintiffs'  
20 affirmative claims.

21 3. Plaintiffs' motion for default judgment is referred to the magistrate judge. *See*  
22 *Local Rule 302(c)(19)*.

23 DATED: August 20, 2012.

24   
25 UNITED STATES DISTRICT JUDGE  
26