

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

MICHAEL McCUNE,

Plaintiff,

No. CIV S-10-2207 FCD GGH PS

vs.

SATNAM SINGH,

ORDER

Defendants.

\_\_\_\_\_ /

Defendant filed a motion to set aside default on December 23, 2011, setting it for hearing on January 19, 2012. Plaintiff has filed objections, based on lack of proper notice and statutory basis for seeking to set aside the default. The objections have merit, but the motion will not be stricken – only continued.

Accordingly, IT IS ORDERED that:

1. The hearing on defendant’s motion to set aside default is continued to January 26, 2012.
2. Defendant’s motion is construed as one brought pursuant to Fed. R. Civ. P. 55(c).

DATED: January 3, 2012

/s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE

GGH:076 - McCune2207.hrg.wpd