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

UNITED STATES OF AMERICA,

Plaintiff,

No. CIV-S-11-0320-FCD-KJN

vs.

Approximately \$20,000 in U.S. CURRENCY,

Defendant.

ORDER

On May 16, 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).

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the Proposed Findings and Recommendations in full. The court also notes that, since the filings of the Proposed Findings and Recommendations, a Stipulation (Dkt. No. 21) has been filed and confirms the agreement to set aside the default

1 entered on May 3, 2011. The Stipulation also confirms an agreement to allow the filing of the
2 responsive pleadings submitted to the court on behalf of real party in interest Audrey McClellan
3 on May 9, 2011.


4 Accordingly, IT IS ORDERED that:

5 1. The Proposed Findings and Recommendations filed May 16, 2011, are ADOPTED;

6 2. The clerk's entry of default as against Ms. Audrey McClellan dated May 3, 2011 (Dkt.
7 No. 15), is set aside in the case bearing the number 2:11-cv-00320-FCD-KJN. The setting aside
8 of Ms. McClellan's entry of default in this case shall not alter the various clerk's entries of
9 default in the two related cases bearing the numbers 2:11-cv-00091-FCD-KJN and 2:11-cv-
10 00099-FCD-KJN, respectively.

11 3. The responsive pleadings submitted to the court on behalf of real party in interest Ms.
12 McClellan on May 9, 2011, be filed by the Clerk.

13 DATED: June 9, 2011.

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FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE