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

TERRYLYN MCCAIN,

Plaintiff,

No. 2:11-cv-01265 KJM KJN PS

v.

CALIFORNIA HIGHWAY PATROL,
et al.,

Defendants.

ORDER

_____ /
On October 28, 2011, the undersigned entered an order in this case, after a hearing, setting aside the clerk’s entry of default against defendants Brent Mangham and Michael Walling.¹ (Order, Oct. 28, 2011, Dkt. No. 70.) Presently before the court is plaintiff’s “Motion for Show Cause Hearing Regarding Setting Aside Defaults On Defendants, Walling and Mangham and Reinstate Defaults Defendants Mangham,” which is noticed for a December 8, 2011 hearing before the undersigned (Dkt. No. 72). In essence, plaintiff seeks reconsideration and reversal of the October 28, 2011 order setting aside the defaults against Mangham and Walling, and seeks a hearing regarding the same. Because oral argument would not materially aid the resolution of the pending motion, this matter is submitted on the briefs and record without

¹ This case proceeds before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

1 a hearing. See Fed. R. Civ. P. 78(b); E. Dist. Local Rule 230(g).²

2 The undersigned denies plaintiff's motion. The undersigned has fully resolved
3 Mangham's and Walling's motion to set aside the clerk's entry of default after a hearing, and
4 nothing in plaintiff's present motion warrants another hearing or an evidentiary hearing on the
5 matter. To the extent that plaintiff's motion is an application for reconsideration directed to the
6 undersigned, it is denied. Plaintiff may, of course, consider seeking reconsideration of the
7 undersigned's October 28, 2011 order by the district judge assigned to this matter, if appropriate
8 and timely. See E. Dist. Local Rules 230(j) and 303(c).

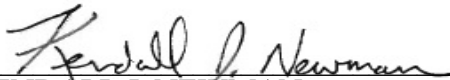
9 For the foregoing reasons, IT IS HEREBY ORDERED that:

10 1. Plaintiff's "Motion for Show Cause Hearing Regarding Setting Aside
11 Defaults On Defendants, Walling and Mangham and Reinstate Defaults Defendants Mangham"
12 (Dkt. No. 72) is denied.

13 2. The December 8, 2011 hearing on plaintiff's motion is vacated.

14 IT IS SO ORDERED.

15 DATED: November 15, 2011

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18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE
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26 ² Additionally, the pending motion can be resolved without briefing by any other party.