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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER D. SCHNEIDER,

Plaintiff,

v.

BANK OF AMERICA N.A.; BANK OF
AMERICA MORTGAGE, BANK OF
AMERICA HOME LOANS SERVICING
LP, BALBOA INSURANCE CO., HOME
RETENTION GROUP, QUALITY
RETENTION GROUP, QUALITY LOAN
SERVICE CORP., CLIFF COLER, DOES
1-40,

Defendants.

No. 2:11-cv-2953-JAM-EFB PS

ORDER

On November 18, 2014, 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. Plaintiff filed objections December 18, 2014, and they were considered by the undersigned.¹

¹ In his objections to the magistrate judge’s findings and recommendations, plaintiff argues that it is unfair and unjust to dismiss defendants Bank of America Mortgage and Home Retention Group pursuant to Rule 4(m) as well as for failure to prosecute and to comply with court orders. ECF No. 166 at 2. Plaintiff’s objections, however, fail to demonstrate that he properly effected service of process of his second amended complaint on these defendants in the time prescribed by Rule 4(m). Accordingly, the court finds that it proper to adopt the magistrate

1 This court reviews de novo those portions of the proposed findings of fact to which
2 objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore
3 Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As
4 to any portion of the proposed findings of fact to which no objection has been made, the court
5 assumes its correctness and decides the motions on the applicable law. 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 Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

8 The court has reviewed the applicable legal standards and, good cause appearing,
9 concludes that it is appropriate to adopt the proposed Findings and Recommendations in full.
10 Accordingly, IT IS ORDERED that:

11 1. Plaintiff's motion for default judgment against BANA, Balboa, and FHLMC, ECFN
12 146, is denied

13 2. The motion for a clerk's entry of the default of BANA, Balboa, and FHLMC, ECF No.
14 149, is denied; and

15 3. Bank of America Mortgage and Home Retention Group are dismissed pursuant to
16 Federal Rule of Civil Procedure 4(m) as well as for plaintiff's failure to prosecute and comply
17 with court orders.

18 DATED: March 5, 2015

19 /s/ John A. Mendez

20 UNITED STATES DISTRICT COURT JUDGE

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judge's recommendation that these defendants be dismissed.