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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE R. NASH,
Plaintiff,
v.
WACHOVIA BANK, WELLS FARGO
BANK, and EQUIFAX INFORMATION
SYSTEM LLC., and DOES 1-20,
inclusive,
Defendants.

No. 2:14-cv-850-MCE-EFB PS

ORDER

On September 14, 2016, 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.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a de novo review of this case and the applicable legal standards. Good cause appearing, the Court concludes that it is appropriate to adopt the proposed Findings and Recommendations in full.

Accordingly, IT IS ORDERED that:

1. The proposed Findings and Recommendations filed September 14, 2016, (ECF No. 44) are ADOPTED.

1 2. Equifax’s motion to dismiss (ECF No. 17) is GRANTED and all claims against
2 Equifax are DISMISSED without leave to amend.

3 3. Wells Fargo’s motion to dismiss (ECF No. 12) is GRANTED in part and DENIED in
4 part as follows:

5 a. Wells Fargo’s motion to dismiss plaintiff’s Fourteenth Amendment against it is
6 DENIED; and


7 B. Wells Fargo’s motion to dismiss plaintiff’s FCRA claim against it is
8 GRANTED and the claim is DISMISSED with leave to amend.

9 4. Plaintiff is granted thirty days from the date of service of this order to file an amended
10 complaint. The amended complaint must bear the docket number assigned to this case and must
11 be labeled “Second Amended Compliant.” Should plaintiff fail to file a second amended
12 complaint, this matter will proceed on plaintiff’s Fourteenth Amendment and California Civil
13 Code § 2983.8 claims against Wells Fargo.

14 5. Plaintiff’s motions for default judgment (ECF Nos. 19, 20) are DENIED.

15 6. Wells Fargo’s motion for judgment on the pleadings pursuant to Rule 12(c) (ECF No.
16 38) is DENIED as premature.

17 Dated: September 30, 2016

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19 MORRISON C. ENGLAND, JR.
20 UNITED STATES DISTRICT JUDGE
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