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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

AKILA TRADING (PTY), LTD.,  
Plaintiff,  
v.  
GLOBAL COMMODITIES TRADING  
GROUP, INC.,  
Defendant.

No. 2:14-cv-01625 KJM AC

ORDER

On July 10, 2014, plaintiff initiated this action. On September 5, 2014, plaintiff filed a request for entry of default, which was entered by the Clerk of the Court on September 9, 2014. ECF Nos. 5–6. On September 22, 2014, plaintiff filed a motion for default judgment and scheduled the hearing before the undersigned for October 22, 2014. ECF No. 11.

On October 3, 2014, the parties filed a stipulation and proposed order to set aside the Clerk’s entry of default and withdraw the motion for default judgment. ECF No. 14. The stipulation also states defense counsel will execute a waiver of service of summons and will file an answer or motion under Rule 12 within sixty days of the date of the waiver. Id. at 2.

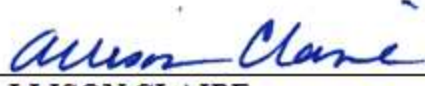
The parties’ request to set aside the Clerk’s entry of default is not properly before the undersigned. Accordingly, the request will be denied and the parties will be directed to re-submit the request to the district judge assigned to the action.

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Good cause appearing, IT IS HEREBY ORDERED that:

1. The motion for default judgment, ECF No. 11, currently scheduled for October 22, 2014 is vacated;
2. The parties' stipulation to set aside the Clerk's entry of default is denied; and
3. The parties are directed to re-submit their stipulation to set aside the Clerk's entry of default before the district judge assigned to the action.

DATED: October 6, 2014

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE