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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD F. TRINCHITELLA,

Plaintiff,

v.

AMERICAN REALTY PARTNERS, LLC,
et al.,

Defendants.

No. 2:15-cv-02365-DAD-JDP

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
PLAINTIFF’S MOTION FOR DEFAULT
JUDGMENT, AND GRANTING
PLAINTIFF’S REQUEST TO DISMISS
DEFENDANT AMERICAN HOUSING
INCOME TRUST, INC. FROM THIS
ACTION

(Doc. Nos. 77, 90, 91)

This matter is before the court on the motion for default judgment filed by plaintiff on February 3, 2022. (Doc. No. 77.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 and Local Rule 302.

On September 12, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff’s motion for default judgment be denied, without prejudice, because “plaintiff has not attempted, much less demonstrated, that entry of judgment is appropriate at this time.” (Doc. No. 90 at 4.) In addition, the findings and recommendations noted that the court had previously found that defendant American Housing Income Trust, Inc. (“AHIT”) and defendant Corix Bioscience, Inc. (“Corix”) are the same entity; that is, AHIT had merely changed its name to Corix. (*Id.* at 1–2.) Accordingly, the magistrate judge also

1 recommended that plaintiff be ordered to show cause why his claims against defendant AHIT
2 should not be dismissed as duplicative of his claims against defendant Corix. (*Id.* at 2, 4–5.) The
3 findings and recommendations provided that any objections thereto were to be filed within
4 fourteen (14) days. (*Id.* at 5.) To date, no objections have been filed and the time for doing so
5 has now passed.

6 On September 26, 2023, plaintiff filed a request to dismiss defendant AHIT from this
7 action without prejudice. (Doc. No. 91.) Pursuant to Rule 41 of the Federal Rules of Civil
8 Procedure, the court deems dismissal of defendant AHIT to be proper. The court will, therefore,
9 grant plaintiff’s request to dismiss defendant AHIT. In light of the dismissal of defendant AHIT,
10 there is no longer any need to order plaintiff to show cause why his claims against defendant
11 AHIT should not be dismissed.

12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court conducted a *de*
13 *novo* review of the case. Having carefully reviewed the file, the court concludes that the findings
14 and recommendations are supported by the record and proper analysis.

15 Accordingly:

- 16 1. The findings and recommendations issued on September 12, 2023 (Doc. No. 90)
17 are adopted;
- 18 2. Plaintiff’s motion for default judgment (Doc. No. 77) is denied, without prejudice;
- 19 3. Plaintiff’s request to dismiss defendant American Housing Income Trust, Inc.
20 (Doc. No. 91) is granted;
- 21 4. Defendant American Housing Income Trust, Inc. is terminated as a named
22 defendant in this action;
- 23 5. The Clerk of the Court is directed to update the docket to reflect that defendant
24 American Housing Income Trust, Inc. has been terminated as a named defendant
25 in this action; and

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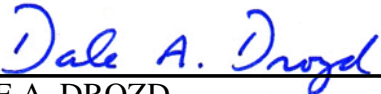
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6. In addition, pursuant to Local Rule 302(c), because all defendants are proceeding in this action without counsel, the Clerk of the Court is directed to re-designate this case as an “action[] in which all the plaintiffs or defendants are proceeding *in propria persona.*” L.R. 302(c)(21).

IT IS SO ORDERED.

Dated: September 27, 2023



DALE A. DROZD
UNITED STATES DISTRICT JUDGE