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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,
v.
MATTHEW MOMSEN,
Defendant.

No. 2:16-cv-344 JAM KJN

ORDER

Presently pending before the court is plaintiff's motion for default judgment, which is presently set for hearing on February 23, 2017. (ECF No. 23.)¹

On January 11, 2017, defendant appeared through counsel and filed a motion to quash service of process and dismiss the complaint before the assigned district judge, Judge Mendez. (ECF No. 27.) That motion is presently set for hearing on February 28, 2017.

In light of the above, the court finds it appropriate to deny plaintiff's motion for default judgment without prejudice at this juncture. If Judge Mendez grants the motion to quash/dismiss, a matter as to which the undersigned expresses no opinion, plaintiff's pending motion may be moot. As such, the interests of judicial economy and efficiency would be served by only

¹ The motion was noticed before the undersigned pursuant to Local Rule 302(c)(19), which refers motions for default judgment to the assigned magistrate judge.

1 considering a motion for default judgment after Judge Mendez rules on the motion to
2 quash/dismiss.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's pending motion for default judgment (ECF No. 23) is DENIED WITHOUT
5 PREJUDICE.
- 6 2. The February 23, 2017 hearing before the undersigned is VACATED.
- 7 3. Upon resolution of defendant's motion to quash/dismiss by Judge Mendez, plaintiff
8 may renew its motion for default judgment, if appropriate.

9 IT IS SO ORDERED.

10 Dated: January 12, 2017

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE