

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,  
Plaintiff,  
v.  
WATERLOO ENTERPRISES, INC.  
Defendant.

No. 2:16-cv-711-MCE-KJN

ORDER

Pending before the court is plaintiff's motion for default judgment, which is presently set for hearing on October 26, 2017. (ECF Nos. 8, 9.) No opposition was filed in accordance with Local Rule 230(c). Nevertheless, out of abundance of caution, the court provides defendant with one, final opportunity to appear and oppose the motion, if it desires to do so.

Additionally, the court notes that plaintiff has not yet indicated whether or not he consents to the jurisdiction of a United States Magistrate Judge for all purposes pursuant to 28 U.S.C. § 636(c). Importantly, plaintiff is under no obligation to consent, but the consent/decline designation merely assists the court in determining how the case will be administratively processed. Therefore, no later than November 2, 2017, plaintiff shall file an appropriate consent/decline designation.

///  
///


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly, IT IS HEREBY ORDERED that:

1. Defendant shall file any opposition to the motion to default judgment no later than November 2, 2017. Any reply brief shall be due November 9, 2017. Thereafter, the motion will be submitted for decision on the record and written briefing pursuant to Local Rule 230(g). If the court subsequently determines that supplemental briefing or oral argument is necessary, the parties will be notified.
2. The October 26, 2017 hearing is VACATED.
3. No later than November 2, 2017, plaintiff shall file an appropriate consent/decline designation.

IT IS SO ORDERED.

Dated: October 16, 2017

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE