

1 to appear, the existence of a meritorious defense, and/or lack of prejudice to either party from
2 setting aside the default).

3 Plaintiff has recently perfected service on Ms. Laws. See ECF No. 24. Counsel for
4 defendant confirmed at oral argument that service is now complete.

5 Also before the court is plaintiff's motion captioned "Motion to Vacate a Request for
6 Elisor in the Superior Court," ECF No. 14. The motion does not comply with Local Rule 230 and
7 has not been noticed for hearing. At oral argument on the default matter, both parties were given
8 an opportunity to be heard and agreed that plaintiff's motion could be decided without responsive
9 briefing or further hearing. The motion will be denied as outside this court's authority. This
10 court has the power to vacate matters from its own docket, but not from the dockets of state
11 courts. Moreover, to the extent the motion effectively seeks to enjoin superior court proceedings
12 regarding the subject trust property, that relief is barred by the principles first announced in
13 Younger v. Harris, 401 U.S. 37, 45 (1971).¹ Alternatively, the motion is denied as moot; counsel
14 for defendant represented at hearing that the superior court granted the petition for elisor on June
15 26, 2017.

16 Finally, the court notes that plaintiff has filed two documents styled as Oppositions to a
17 motion to dismiss. ECF Nos. 15, 26. No motion to dismiss is pending. In her motion to set aside
18 default, the defendant indicated the intention to file a motion to dismiss in the future. No such
19 motion is presently pending. The opposition filings will therefore be stricken.

20 For the reasons stated above and at the hearing on defendant's motion, IT IS HEREBY
21 ORDERED as follows:


- 22 1. Defendant's motion to set aside entry of default, ECF No. 12, is GRANTED and the
23 Clerk is directed to set aside the entry of default (ECF No. 8);
- 24 2. Plaintiff's motion to vacate a state court matter, ECF No. 14, is DENIED;

25 ¹ See Middlesex County Ethics Committee v. Garden State Bar Ass'n, 457 U.S. 423, 432 (1982)
26 (federal courts must abstain from interference in state court civil proceedings that (1) are ongoing;
27 (2) implicate "important state interests"; and (3) provide an adequate opportunity to raise federal
28 questions); see also Gilbertson v. Albright, 381 F.3d 965, 978 (9th Cir. 2004) (en banc)
(recognizing implied fourth requirement that the federal court action would "enjoin the
proceeding, or have the practical effect of doing so.").

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3. Plaintiff's filings at ECF Nos. 15 and 26 are STRICKEN.

DATED: June 28, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE