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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERARDO HERNANDEZ,

Plaintiff,

v.

MANGAL SINGH, et al.,

Defendants.

No. 2:22-cv-00137-KJM-JDP

ORDER

Plaintiff's motion for entry of default judgment was heard before the assigned Magistrate Judge on July 28, 2022. The matter was referred to a United States Magistrate Judge as provided by Local Rule 302(c)(19) and 28 U.S.C. § 636(b)(1).

On November 3, 2022, the magistrate judge filed findings and recommendations, which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

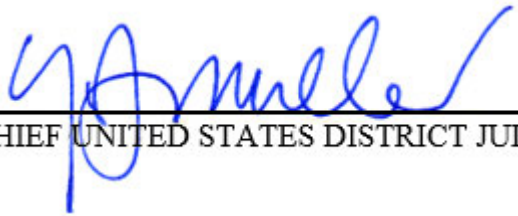
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Accordingly, IT IS HEREBY ORDERED:

1. The findings and recommendations filed November 3, 2022, are adopted in full;
2. Plaintiff's motion for default judgment, ECF No. 12, is denied without prejudice; and
3. Plaintiff may amend the complaint within twenty-one (21) days of the filed date of this order. Failure to timely amend the complaint may result in dismissal of the case for failure to state a claim.

DATED: January 23, 2023.



CHIEF UNITED STATES DISTRICT JUDGE