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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK LINN BRYAN, et al.,

Defendants.

No. 2:22-cv-01962 DJC AC

ORDER

The court is in receipt of plaintiff’s motion for default judgment against defendants Chase Manhattan Bank USA, NA (“Chase”) and Citibank South Dakota, NA (“Citibank”). ECF No. 126. Plaintiff included an affidavit of service with the motion stating that because the motion was filed through CM/ECF it was served upon “all parties who have appeared in this matter and are eligible to receive CM/ECF notices” and that notice was sent by mail to pro se litigant Mark Linn Bryan. ECF No. 126 at 10.

Because the defaulting defendants have not appeared,¹ they would not have received notice of the motion through CM/ECF and there is no indication that plaintiff otherwise notified

¹ A Notice of Appearance was filed on behalf of these defendants on January 19, 2023 (ECF No. 33), but counsel was later granted permission to withdraw on grounds that the appearance was made in error and there had never been an attorney-client relationship formed between counsel and the banks. ECF Nos. 77 (motion to withdraw), 88 (minute order granting motion to withdraw).

1 Chase or Citibank of the pending motion for default judgment. Plaintiff is therefore ORDERED
2 to serve Chase and Citibank with the motion for default judgment and a copy of this order.
3 Plaintiff is ORDERED to file an affidavit of service no later than February 16, 2024. The court
4 will allow Citibank and Chase 21 days from the filing of the affidavit of service to oppose the
5 motion before making a recommendation on the motion.

6 IT IS SO ORDERED.

7 DATED: February 6, 2024

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9 ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
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