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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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LARRY TYRONE BRANTLEY, SR. and
ELLEN BRANTLEY,

No. C 07-6139 MMC

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Plaintiffs,

**ORDER DENYING AS MOOT CROSS-
CLAIMANTS' APPLICATION FOR
DEFAULT JUDGMENT**

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v.

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GARRETT BOYD, et al.,

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Defendants.

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Before the Court is defendants and cross-claimants Sergei Klyazmin, MoDo Realty, Inc., and Royal Crown Mortgage, Inc.'s (collectively, "cross-claimants") application, filed February 22, 2013, by which cross-claimants seek default judgment against defendant Garrett Boyd on their Cross-Claim. On April 30, 2013, Magistrate Judge Nathanael M. Cousins filed a Report and Recommendation, recommending denial of the application without prejudice. (See Doc. No. 325.) Thereafter, on June 13, 2013, cross-claimants filed a First Amended Cross-Claim against Garrett Boyd. (See Amended Cross-Claim, filed June 13, 2013.)

Accordingly, the above-referenced application for default judgment is hereby DENIED as moot. See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc., 896 F.2d 1542, 1546 (9th Cir. 1989) (holding "an amended pleading supersedes the original"). If cross-claimants wish to file a motion for default judgment on their First Amended Cross-

1 Claim, they must first seek entry of default on such amended pleading from the Clerk of
2 Court. See Fed. R. Civ. P. 55(a).

3 **IT IS SO ORDERED.**

4 Dated: July 16, 2013


MAXINE M. CHESNEY
United States District Judge

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