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UNITED STATES DISTRICT COURT
Northern District of California

IO GROUP, INC,

Plaintiff(s),

v.

JASON JORDAN,

Defendant(s).

No. C 09-00884 MEJ

**AMENDED ORDER FOR CLERK OF
COURT TO ENTER DEFAULT**

**ORDER FOR PLAINTIFF TO FILE
DEFAULT JUDGMENT MOTION**

On May 5, 2009, the Clerk of Court entered default in this matter against Defendant Jason Jordan. (Dkt. #7.) However, on November 25, 2009, the Honorable Phyllis Hamilton, the presiding judge in this case at the time, set aside Defendant's default. (Dkt. #40.) Judge Hamilton warned Defendant that a further default would be entered should he not properly defend this action. (Dkt. #41 at 1:24-25.) Subsequently, the parties filed a Joint Case Management Statement in which they consented to assignment of this case to a magistrate judge. (Dkt. #42.)

On December 4, 2009, Judge Hamilton ordered that this matter be reassigned to the undersigned magistrate judge for all purposes. (Dkt. #43.) However, the notice sent to Defendant was returned as undeliverable. (Dkt. #48.) Further, on January 12, 2010, an ADR Clerk's Notice was also returned as undeliverable. (Dkt. #49.) Pursuant to Civil Local Rule 3-11(a), a party "whose address changes while an action is pending must promptly file with the Court and serve upon all opposing parties a Notice of Change of Address specifying the new address."

On January 14, 2010, Plaintiff filed a Separate Case Management Statement, in which Plaintiff states that Defendant is not reachable at the address or telephone number he provided the Court and that, although he is intermittently reachable via electronic mail, Plaintiff requested

1 cooperation with regard to filing its statement but did not receive a response from Mr. Jordan. (Dkt.
2 #50.) Based on this inaction, the Court ordered Defendant to show cause why his default should not
3 be re-entered for failure to defend himself in this action and for failure to comply with court rules
4 and deadlines. (Dkt. #51.) The Court ordered Plaintiff to file a declaration by January 28, 2010, and
5 scheduled a hearing on February 4, 2010.

6 On February 4, 2010, the Court held a hearing on the matter. Defendant did not appear at the
7 hearing, and he did not file a declaration in response to the January 14, 2010 order to show cause.
8 Accordingly, the Court hereby ORDERS the Clerk of Court to enter default against Defendant Jason
9 Jordan. Plaintiff shall file and notice a motion for default judgment forthwith. Defendant shall file
10 any opposition to Plaintiff's motion in compliance Civil Local Rule 7, and Plaintiff shall thereafter
11 file any reply. If Defendant does not file an opposition, Plaintiff shall file detailed proposed findings
12 of fact and conclusions of law, **which shall address the factors in *Eitel v. McCool*, 782 F.2d 1470,**
13 **1471-72 (9th Cir. 1986), as well as provide the basis for the Court's subject matter and**
14 **personal jurisdiction**, by the reply filing deadline under Rule 7. Plaintiff shall ensure that a copy of
15 the proposed findings is emailed to mejpo@cand.uscourts.gov. The Court prefers that proposed
16 findings be emailed in WordPerfect format; however, Microsoft Word format is also acceptable.

17 **IT IS SO ORDERED.**

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19 Dated: February 8, 2010

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22 Maria-Elena James
23 Chief United States Magistrate Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IO GROUP, INC,

Plaintiff,

v.

JORDON,

Defendant.

Case Number: 09-00884 MEJ

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 8, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jason Jordon
P.O. Box 91742
Atlanta, GA 30364

Jason Jordan
nubian101@gmail.com

Dated: February 8, 2010

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk