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2 UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
4 OAKLAND DIVISION

5 PETER NEWSOME AND STEPHANIE  
6 NEWSOME,

7 Plaintiffs,

8 vs.

9 COUNTRYWIDE HOME LOANS, INC.  
10 DBA AMERICA'S WHOLESALE LENDER,  
11 MORTGAGE ELECTRONIC  
12 REGISTRATIONS SYSTEMS, INC.,  
13 BANKERS ALLIANCE INC., JULIE  
14 WHITESIDE, and DOES 1-20, inclusive,

15 Defendants.

Case No: C 09-5288 SBA

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION OF  
MAGISTRATE JUDGE**

Dkt. 121, 136, 148

16 The Court previously referred Plaintiffs' Second Application for Default Judgment  
17 (Dkt. 121) and Julie Whiteside's pro se Motion to Set Aside Default (Dkt. 136) to  
18 Magistrate Judge Nandor Vadas ("the Magistrate") for a report and recommendation. (Dkt.  
19 122, 139.)

20 On February 28, 2013, the Magistrate issued a report and recommendation in which  
21 he recommended that: "(1) Whiteside's motion to set aside entry of default be granted;  
22 (2) Plaintiffs' motion for default judgment against Julie Whiteside be denied; and  
23 (3) Plaintiffs' motion for default judgment against Bankers' Alliance be denied without  
24 prejudice." (Dkt. 148 at 1.)

25 Any objections to a report and recommendation must be filed within fourteen days  
26 of receipt thereof. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); Civ. L.R. 72-2, 72-3. The  
27 district court must "make a de novo determination of those portions of the report to which  
28 objection is made," and "may accept, reject, or modify, in whole or in part, the findings or  
recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); see also Civ. L.R.

1 72-3(a) (requiring that any objections be accompanied by a motion for de novo  
2 determination). The deadline to file an objection to the report and recommendation was  
3 March 14, 2013. See Fed. R. Civ. P. 6(a)(1), 72(b). To date, no objections have been filed  
4 in this case.

5 In the absence of a timely objection, the Court “need only satisfy itself that there is  
6 no clear error on the face of the record in order to accept the recommendation.” Fed. R.  
7 Civ. P. 72, Advisory Committee Notes (1983) (citing Campbell v. U.S. Dist. Court, 501  
8 F.2d 196, 206 (9th Cir. 1974)); see also United States v. Reyna-Tapia, 328 F.3d 1114, 1121  
9 (9th Cir. 2003) (“The statute [28 U.S.C. § 636(b)(1)(C)] makes it clear that the district  
10 judge must review the magistrate judge’s findings and recommendations de novo *if [an]*  
11 *objection is made*, but not otherwise.”) (en banc). The Court has reviewed the record on its  
12 face and finds no clear error. Accordingly,

13 IT IS HEREBY ORDERED THAT the magistrate judge’s report and  
14 recommendation (Dkt. 148) is ACCEPTED and shall become the Order of this Court.  
15 Thus, Defendant Julie Whiteside’s motion to set aside entry of default is  
16 GRANTED; Plaintiffs’ motion for default judgment against Julie Whiteside is DENIED;  
17 and (3) Plaintiffs’ motion for default judgment against Bankers’ Alliance is DENIED  
18 without prejudice. The Clerk shall terminate Docket 121, 136 and 148.

19 IT IS SO ORDERED.

20 Dated: March 20, 2013

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 PETER AND STEPHANIE NEWSOM et al,

5 Plaintiff,

6 v.

7 COUNTRYWIDE HOME LOANS INC et al,

8 Defendant.

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Case Number: CV09-05288 SBA

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**CERTIFICATE OF SERVICE**

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

16

17 That on March 21, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said  
18 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
19 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
20 located in the Clerk's office.

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21 Julie Whiteside  
22 1212 Sterns Drive  
23 Los Angeles, CA 90035

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Dated: March 21, 2013

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Richard W. Wieking, Clerk  
By: Lisa Clark, Deputy Clerk

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