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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

| | | |
|-----------------------------|---|----------------------------------|
| GEORGE W. WRIGHT, |) | Civil No. 09cv554 L (WVG) |
| |) | |
| Plaintiff, |) | ORDER ADOPTING THE REPORT |
| |) | AND RECOMMENDATION AND |
| v. |) | AWARDING DAMAGES |
| |) | |
| BRIAN WOOD, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Plaintiff moved for default judgment against defendant Brian Wood (“Wood” or “defendant”). Default judgment was not requested against defendant Auto Acquisition, Inc. On November 18, 2009, the Court granted in part and denied in part the motion for default judgment finding that although default judgment was appropriate, plaintiff had failed to make the requisite evidentiary showing of the amount of money he contended was due and owing from defendant. Therefore, the Court referred the matter to Magistrate Judge William V. Gallo for a prove-up hearing so that plaintiff could substantiate, with evidence, his entitlement to the damages requested.

The magistrate judge conducted an evidentiary hearing on January 14, 2010 and requested supplemental briefing and documentation on three occasions from plaintiff. After fully considering these matters, the magistrate judge issued a Report and Recommendation (“Report”) on April 12, 2010 recommending a judgment in the amount of \$238,033.39. Plaintiff was given until April 22, 2010 in which to file objections to the Report. He has not done so.

1 A district judge "may accept, reject, or modify the recommended disposition" on a
2 dispositive matter prepared by a magistrate judge proceeding without the consent of the parties
3 for all purposes. FED. R. CIV. P. 72(b); *see* 28 U.S.C. § 636(b)(1). "The court shall make a de
4 novo determination of those portions of the [report and recommendation] to which objection is
5 made." 28 U.S.C. § 636(b)(1). When no objections are filed, the de novo review is waived.
6 Section 636(b)(1) does not require review by the district court under a lesser standard. *Thomas*
7 *v. Arn*, 474 U.S. 140, 149-50 (1985). The "statute makes it clear that the district judge must
8 review the magistrate judge's findings and recommendations *de novo* if objection is made, but
9 not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)
10 (emphasis in the original).

11 In the absence of objections, the court **ADOPTS in full** the Report and Recommendation.
12 Accordingly, plaintiff is entitled to default judgment and awarded damages in the amount of
13 \$238,033.39 against defendant Brian Wood. The Clerk of the Court is directed to enter
14 judgment in accordance with this Order.

15 **IT IS SO ORDERED.**

16 DATED: April 26, 2010

17 
18 M. James Lorenz
United States District Court Judge

19 COPY TO:

20 HON. WILLIAM V. GALLO
21 UNITED STATES MAGISTRATE JUDGE

22 ALL PARTIES/COUNSEL
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