

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ROSS HUNTER,)	Civil No. 10cv724 L (WVG)
)	
Plaintiff,)	ORDER ADOPTING REPORT AND
)	RECOMMENDATION and
v.)	GRANTING MOTION FOR
)	DEFAULT JUDGMENT [doc. #12]
OASIS FINANCIAL SOLUTIONS, LLC,)	
)	
Defendant.)	
)	
_____)	

Plaintiff filed the above-captioned case on April 6, 2010. Defendant Oasis Financial Solutions, LLC was served with the summon and complaint on August 10, 2010, but did not file an answer or otherwise respond to the complaint. On September 16, 2010, the Clerk of the Court entered default as to Oasis. Plaintiff then moved for default judgment seeking \$75,000 in damages. Plaintiff's motion for default judgment was referred the assigned magistrate judge, William V. Gallo, for a Report and Recommendation which was to include whether default judgment should be granted and if granted, the amount of damages to which plaintiff is entitled.

On December 21, 2010, the Report was filed with the magistrate judge recommending that default judgment be granted in the amount of \$73,000.00 for actual damages and \$2,000.00 for statutory damages. Although plaintiff requested attorneys' fees and costs in his complaint, he did not seek attorneys' fees in his motion for default judgment. The magistrate judge however recommended such an award in an amount subject to proof. (Report at 8.)

1 In reviewing a magistrate judge's report and recommendation, the district court "shall
2 make a *de novo* determination of those portions of the report . . . to which objection is made,"
3 and "may accept, reject, or modify, in whole or in part, the findings or recommendations made
4 by the magistrate judge." 28 U.S.C. § 636(b)(1). Under this statute, "the district judge must
5 review the magistrate judge's findings and recommendations *de novo if objection is made, but*
6 *not otherwise.*" *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)
7 (emphasis in original); *see Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1225-26 & n.5 (D. Ariz.
8 2003) (applying *Reyna-Tapia* to habeas review).


9 The Court notes that no objections have been made to the Report and therefore, the Court
10 may adopt the findings of the magistrate judge without *de novo* review.

11 Having reviewed the Report, the Court finds good cause to adopt the recommendations in
12 their entirety.

13 Based on the foregoing, **IT IS ORDERED** adopting the Report and Recommendation. **IT**
14 **IS FURTHER ORDERED** that plaintiff's motion for default judgment is **GRANTED** in the
15 amount of \$75,000.00 plus attorney's fees in an amount to be determined. **IT IS FURTHER**
16 **ORDERED** that if attorney's fees are sought, plaintiff shall file a motion for attorney's fees on
17 or before April 4, 2011. Counsel is advised that compliance with the Civil Local Rules regarding
18 the scheduling of motions is required.

19 **IT IS SO ORDERED.**

20 DATED: March 21, 2011

21 
22 M. James Lorenz
United States District Court Judge

23 COPY TO:

24 HON. WILLIAM V. GALLO
25 UNITED STATES MAGISTRATE JUDGE

26 ALL PARTIES/COUNSEL
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28