

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 09-cv-00497-REB-BNB

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

THE REGENCY GROUP, LLC, et al,

Defendants.

**ORDER ADOPTING RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matter before me is the **Recommendation of United States Magistrate Judge** [#102], filed April 13, 2010. No objections having been filed to the recommendation, I review it only for plain error. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10th Cir. 2005).¹ Finding no such error in the magistrate judge's recommended disposition, I find and conclude that the recommendation should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation of United States Magistrate Judge** [#102], filed April 13, 2010, is **APPROVED AND ADOPTED** as an order of this court;

¹ This standard pertains even though defendant Joseph S. Fernando presently is proceeding *pro se* in this matter. *Morales-Fernandez*, 418 F.3d at 1122.

2. That **Plaintiff's Motion for an Order Entering Default Judgments Against Defendant Joseph S. Fernando and Defendant Wellington Capital Enterprises, Inc. [#55]**, filed December 30, 2009, is **GRANTED**;

3. That at the time final judgment is entered, default judgment **SHALL ENTER** in favor of plaintiff, U.S. Securities and Exchange Commission, and against defendant, Joseph S. Fernando, pursuant to Fed.R.Civ.P. 37(b), for failure to participate and discovery and disobedience to the duly issued orders of the court, as to the First and Second Claims asserted in the complaint;

4. That at the time final judgment is entered, default judgment **SHALL ENTER** in favor of plaintiff, U.S. Securities and Exchange Commissioner, and against defendant Wellington Capital Enterprises, Inc. pursuant to Fed.R.Civ.P. 55(b)(2) and D.C.COLO.LCivR 83.3D, for failure to appear by counsel and failure to defend, as to the First and Second Claims asserted in the complaint.

Dated May 12, 2010, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge