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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

2:12-CV-2213 JCM (NJK)

ELIZABETH GOOBECK and JAMES  
R. HARP,  
  
Plaintiff(s),  
  
v.  
  
WELLS FARGO BANK, N.A., et al.,  
  
Defendant(s).

**ORDER**

Presently before the court is *pro se* plaintiffs’ motion for entry of clerk’s default. (Doc. # 11). Defendants U.S. Bank National Association (“US Bank”) and JP Morgan Mortgage Trust 2007-S2 (“trust”) responded to plaintiffs’ motion for clerk’s default by filing a motion to strike the request for default, or, in the alternative, opposition to request for entry of default. (Doc. # 23).

Plaintiffs move for the entry of default judgment against defendants US Bank and the trust pursuant to Federal Rule of Civil Procedure 55. US Bank and the trust argue that they both attempted to explain to plaintiffs that they have no interest in the loan at issue in this case. Defendants also admit that they did not file an answer within 21 days.

Defendants have since filed a motion to dismiss (that is not yet ripe for this court’s review). The court prefers to resolve cases and issues on their merits and will therefore decline the opportunity to grant default. The court does not find it necessary to strike plaintiffs’ motion (doc. # 11).

James C. Mahan  
U.S. District Judge


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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' motion for entry of clerk's default (doc. # 11) be, and the same hereby, is DENIED.

IT IS FURTHER ORDERED that defendants' motion to strike the request for default, or, in the alternative, opposition to request for entry of default (doc. # 23) be, and the same hereby, is GRANTED in part and DENIED in part consistent with the foregoing.

DATED May 2, 2013.

  
UNITED STATES DISTRICT JUDGE