

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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## ME2 PRODUCTIONS, INC.,

Case No. 2:16-CV-2520 JCM (NJK)

**Plaintiff(s).**

## ORDER

V.

BRIAN DAVIS, et al.,

Defendant(s).

Presently before the court is Magistrate Judge Koppe's report and recommendation following an order to show cause as to why the defendants should not be severed and all but the first-named defendant dismissed. (ECF No. 26). Plaintiff ME2 Productions, Inc., objected. (ECF No. 32). Defendants have not filed a response, and the time to do so has since passed.

Also before the court is plaintiff's motion for entry of clerk's default. (ECF No. 30).

The present case is one of many filed by plaintiff against numerous Doe defendants. Exhibit 1 to ME2's objection contains its memorandum and points of authority to support its objections to the instant report and recommendation. (ECF No. 32-1). The exhibit is a carbon copy of plaintiff's objections in the case of ME2 Productions, Inc. v. Bayu, case no. 2:17-cv-00724-JCM-NJK. The court issued an order in Bayu that adopted Magistrate Judge Koppe's report and recommendation in that case and severed all but the first-named defendant. For the same reasons, the court finds severance here is appropriate. The remaining first-named defendant who will not be dismissed is Brian Davis.

Plaintiff's motion for entry of clerk's default names, among other defendants, Brian Davis, and therefore will be denied in part as moot and granted in part with regard to Brian Davis. (ECF No. 30). Plaintiff filed the operative amended complaint in this matter on March 2, 2017. (ECF

1 No. 9). Summons issued on March 31, 2017. (ECF No. 11). Brian Davis was timely served on  
2 April 26, 2017, and summons returned to the court executed on May 6, 2017. (ECF No. 18). Brian  
3 Davis's answer was due by May 17, 2017. Id.

4 May 17, 2017 came and passed and Brian Davis failed to file an answer. To date, defendant  
5 Davis has not answered the complaint or otherwise appeared in this matter. Accordingly, pursuant  
6 to Federal Rule of Civil Procedure 55(a), the clerk will enter default against Brian Davis.

7 Accordingly,

8 IT IS HEREBY ORDERED that Magistrate Judge Koppe's report and recommendation  
9 (ECF No. 26) be, and the same hereby is, ADOPTED in part and REJECTED in part, consistent  
10 with the foregoing.

11 IT IS FURTHER ORDERED that all defendants except for Brian Davis be, and the same  
12 hereby are, dismissed without prejudice.

13 IT IS FURTHER ORDERED that plaintiff's motion for entry of clerk's default (ECF No.  
14 30) be, and the same hereby is, GRANTED in part and DENIED in part as follows: the clerk will  
15 enter default against only defendant Brian Davis, but not against any other defendant.

16 DATED November 7, 2017.

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18 UNITED STATES DISTRICT JUDGE

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