

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AZIZ OF THE FAMILY OF JALAL,

Plaintiff,

vs.

**Case No.: 2:18-cv-25
JUDGE GEORGE C. SMITH
Magistrate Judge Vascura**

OHIO OFFICE OF CHILD SUPPORT, *et al.*,

Defendants.

ORDER

On March 26, 2018, the United States Magistrate Judge issued an Opinion and Order ordering that Defendants' Motions to Vacate Entry of Default be granted and Plaintiff's Motions for Default Judgment be denied. (*See* Doc. 16). The parties were advised of their right to object to the Opinion and Order. This matter is now before the Court on Plaintiff's Objections. (*See* Doc. 17). Defendants have each filed a response. (Docs. 20 and 21). The Court reviews *de novo* those portions of the Opinion and Order to which an objection has been made. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). *De novo* review in these circumstances requires at least a review of the evidence before the magistrate judge; the Court may not act solely on the basis of a magistrate judge's report and recommendation. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981).

Plaintiff objects to the Magistrate Judge's order setting aside the default judgment in his favor against the Franklin County Child Support Enforcement Agency ("FCCSEA"). He asserts that he properly served both Defendants and received a lawful entry of default judgment.

Further, he argues that FCCSEA does not have a meritorious defense and the motion to set aside

default judgment should therefore be denied. Both Defendants have filed responses asserting that Plaintiff's objections merely state disagreement with the Magistrate Judge's conclusions, but fails to raise arguments showing how the conclusions are contrary to law. Further, Defendant Ohio Department of Job and Family Services, Office of Child Support ("OCS"), argues that Plaintiff has not raised any objections with respect to the Order granting its Motion to Vacate Entry of Default and therefore it should be adopted and affirmed.

The Court has considered Plaintiff's objection and agrees with the well-reasoned decision of the Magistrate Judge that there is good cause to set aside the entries of default. Plaintiff will not be prejudiced as this case is still in the early stages. Further, Defendants have asserted several viable defenses. Therefore, the Court finds that the entries of default are hereby set aside. Accordingly, Plaintiff's Objections to the Magistrate Judge's Opinion and Order are overruled.

For the reasons stated above, the Magistrate Judge's Opinion and Order is hereby **ADOPTED AND AFFIRMED**. Defendants' Motions to Vacate the Entries of Default are **GRANTED** and Plaintiff's Motions for Default Judgment are **DENIED**.

The Clerk shall remove Documents 10, 11, 14, 15, and 17 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT