

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BRENT W. WELLS,

Plaintiff,

v.

**8 FIGURE DREAM LIFESTYLE, LLC;
MILLIONAIRE MIND ENTERPRISES,
LLC; SUPER AFFILIATES, LLC; BRIAN
KAPLAN; JERROLD MAURER; and
ALEX DOWLATSHAHI,**

Defendants.

No. 3:19-cv-00786-SB

OPINION AND ORDER

MOSMAN, J.,

On October 23, 2019, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [ECF 30], recommending that I grant Defendant Alex Dowlatshahi’s Motion to Set Aside Entry of Default [ECF 26] and instruct the Clerk of Court to vacate the Clerk’s Entry of Default [ECF 15] as to Mr. Dowlatshahi. No objections to the F&R were filed.

LEGAL STANDARD

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or


recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review of the F&R, I agree with Judge Beckerman that Mr. Dowlatshahi has shown good cause to vacate the entry of default against him. Therefore, I ADOPT the F&R [30] as my own opinion. I GRANT Defendant Alex Dowlatshahi's Motion to Set Aside Entry of Default [26] and I ORDER the Clerk of Court to vacate the Clerk's Entry of Default [15] as to Mr. Dowlatshahi only.

IT IS SO ORDERED.

DATED this 17 day of December, 2019.


MICHAEL W. MOSMAN
Chief United States District Judge