

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

GS Holistic, LLC v. King’s Smoke Shop & Vape, et al.

GS Holistic · No. 2:23-cv-00351 KJM CKD · Decided September 19, 2025

SUMMARY

The United States District Court for the Eastern District of California adopts findings and recommendations concerning plaintiff's motion for default judgment. The court denies the motion, dismisses the First Amended Complaint without prejudice, and grants plaintiff 30 days to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 19, 2025
DOCKET	2:23-cv-00351 KJM CKD
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations concerning plaintiff's motion for default judgment. No objections were filed.
STANDARD OF REVIEW	The court presumed the magistrate judge's findings of fact were correct and reviewed the magistrate judge's conclusions of law de novo.
PRECEDENTIAL VALUE	unknown

TOPICS

- default judgment
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- trademark

QUESTIONS PRESENTED

- Whether the magistrate judge's findings and recommendations should be adopted where plaintiff filed no objections.

2. Whether plaintiff's motion for default judgment should be denied and the First Amended Complaint dismissed without prejudice with leave to amend.

HOLDINGS

1. The district court presumed the magistrate judge's factual findings correct and reviewed the magistrate judge's legal conclusions de novo.
2. The findings and recommendations were adopted in full; plaintiff's motion for default judgment was denied; the First Amended Complaint was dismissed without prejudice; and plaintiff was granted thirty days to file an amended complaint.

KEY QUOTATIONS

“The magistrate judge’s conclusions of law are reviewed de novo.” (at 1)

“Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.” (at 1)

FACTUAL BACKGROUND

Plaintiff GS Holistic, LLC sought default judgment against two defendants in a trademark-related action. The magistrate judge issued findings and recommendations, and plaintiff did not file objections within the prescribed fourteen-day period. The district court found the recommendations supported by the record and proper analysis.

PROCEDURAL HISTORY

Plaintiff moved for default judgment against two defendants. On August 18, 2025, the magistrate judge issued findings and recommendations recommending disposition of the motion and dismissal of the First Amended Complaint without prejudice, with an opportunity to amend. Plaintiff did not object, and the district court adopted the findings and recommendations in full, denied the motion for default judgment, dismissed the First Amended Complaint without prejudice, and granted thirty days to amend.

DISPOSITION

other

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)
- Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007)

OPINION

GS Holistic, LLC v. King's Smoke Shop & Vape, et al.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 GS HOLISTIC, LLC, No. 2:23-cv-00351 KJM CKD

12 Plaintiff, ORDER 13 v. 14 KING'S SMOKE SHOP & VAPE, et al., 15 Defendants. 16 17

Plaintiff's motion for default judgment against two defendants is before the court. (ECF

18 No. 37.) On August 18, 2025, the magistrate judge filed findings and recommendations, which

19 contained notice to plaintiff that any objections to the findings and recommendations were to be

20 filed within fourteen days. Plaintiff has not filed objections. 21 The court presumes that any

findings of fact are correct. See *Orand v. United States*, 22 602 F.2d 207, 208 (9th Cir. 1979). The

magistrate judge's conclusions of law are reviewed 23 de novo. See *Robbins v. Carey*, 481 F.3d

1143, 1147 (9th Cir. 2007) ("[D]eterminations of law 24 by the magistrate judge are reviewed de

novo by both the district court and [the appellate] court 25 . . ."). Having reviewed the file, the

court finds the findings and recommendations to be 26 supported by the record and by the proper

analysis. 27 28 1 Accordingly, IT IS HEREBY ORDERED that: 2 1. The August 18, 2025 findings

and recommendations (ECF No. 40) are adopted in 3 full; 4 2. Plaintiff's motion for default

judgment (ECF No. 37) is denied; 5 3. The First Amended Complaint (ECF No. 23) is dismissed

without prejudice; and 6 4. Plaintiff is granted thirty (30) days to file an amended complaint or

face dismissal of 7 this action. 8 This order resolves ECF Nos. 37, 40. 9 IT IS SO ORDERED. 10

DATED: September 18, 2025. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28