

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

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

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