

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Frank Orlando Wells v. Jeffery Macomber, et al.

Wells v. Macomber · No. 2:25-cv-0521 CSK P · Decided November 25, 2025

SUMMARY

The United States District Court for the Eastern District of California denied the plaintiff's motion for reconsideration of a request for default judgment and granted defendants' motion to opt out of the Post-Screening ADR Project. The court lifted the stay, dismissed the complaint because the defendants were sued in their official capacities, and granted leave to amend to assert claims against them in their individual capacities. The court also disregarded the plaintiff's unsigned motion to amend and proposed amended complaint.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 25, 2025
DOCKET	2:25-cv-0521 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner brought a 42 U.S.C. § 1983 action. The court considered plaintiff's motion to reinstate default judgment and strike defendants' waiver of service, defendants' motion to opt out of the Post-Screening Early ADR Project, and plaintiff's later motion to amend.
STANDARD OF REVIEW	Reconsideration was governed by Eastern District of California Local Rule 230(j), requiring the movant to identify new or different facts or circumstances, or other grounds, and explain why they were not previously presented. The court also applied the procedural requirements for entry of default under Federal Rule of Civil Procedure 55(a).
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Frank Orlando Wells v. Jeffery Macomber, et al.

TOPICS

motion for reconsideration default judgment service of process section 1983
eleventh amendment immunity

PRACTICE AREAS

civil procedure prisoner civil rights constitutional law

QUESTIONS PRESENTED

1. Whether plaintiff established grounds under Local Rule 230(j) to reconsider the denial of his motion for default judgment.
2. Whether defendants' waiver of service was improper or dilatory and justified entry of default.
3. Whether defendants could opt out of the Post-Screening Early ADR Project and whether the stay should be lifted.
4. Whether the complaint's official-capacity damages claims were barred by Eleventh Amendment immunity.
5. Whether plaintiff's unsigned motion to amend and proposed amended complaint should be accepted.

HOLDINGS

1. Reconsideration was denied because plaintiff identified no new or different facts or circumstances, or other sufficient grounds, supporting reconsideration under Local Rule 230(j).
2. The waiver-of-service process was not improper, and plaintiff was not entitled to default based on defendants' use of that process.
3. Defendants' motion to opt out of the Post-Screening Early ADR Project was granted, and the stay was lifted.
4. Claims for damages against the state, its agencies, or state officers sued in their official capacities are barred by the Eleventh Amendment absent a waiver of immunity; the complaint was therefore dismissed with leave to amend to name defendants in their individual capacities.
5. The court disregarded the unsigned motion to amend and proposed amended complaint, but plaintiff was not required to refile the motion because the court independently granted leave to amend.

KEY QUOTATIONS

“Crucially, . . . judgment by default is a drastic step appropriate only in extreme circumstances; a case should, whenever possible, be decided on the merits” (at 3)

“The entry of default by the Clerk is required before plaintiff may seek default judgment.” (at 4)

FACTUAL BACKGROUND

Plaintiff, a state prisoner proceeding pro se, sued defendants under 42 U.S.C. § 1983 in their official capacities. After the court ordered service, defendants indicated their intent to waive service and subsequently filed waivers, which extended their time to respond. Plaintiff moved for default judgment without showing that defendants had received the required fourteen days' written notice, and the action was later stayed while defendants sought to opt out of post-screening ADR. Defense counsel advised that official-capacity damages claims were barred by Eleventh Amendment immunity, and plaintiff agreed to amend to assert claims against defendants in their individual capacities.

PROCEDURAL HISTORY

The court screened the complaint and ordered service. Defendants filed a notice of intent to waive service and later filed waivers, while plaintiff moved for default judgment; the court denied that motion without prejudice. Plaintiff sought reconsideration and moved to strike the waivers. The court denied reconsideration, granted defendants' motion to opt out of ADR, lifted the stay, dismissed the complaint with leave to amend, and disregarded plaintiff's unsigned motion to amend and proposed amended complaint.

DISPOSITION

other

CASES CITED

- United States v. Signed Pers. Check No. 730 of Yubran S. Mesle, 615 F.3d 1085, 1091 (9th Cir. 2010)
- Westchester Fire Ins. Co. v. Mendez, 585 F.3d 1183, 1189 (9th Cir. 2009)
- Kentucky v. Graham, 473 U.S. 159, 169 (1985)
- Quern v. Jordan, 440 U.S. 332, 344-45 (1979)
- Hafer v. Melo, 502 U.S. 21, 30 (1991)