

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Luis Enrique Ramos Perez v. Evolet's Painting Service LLC, et al.

Perez · No. CV-25-01886-PHX-ASB · Decided January 20, 2026

OPINION

Perez

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Luis Enrique Ramos Perez, NO. CV-25-01886-PHX-ASB 10 Plaintiff, ORDER 11 v. 12
Evolet's Painting Service LLC, et al., 13 Defendants. 14 15 This matter was assigned to
Magistrate Judge Alison S. Bachus. (Doc. 6). On

16 December 15, 2025, the Magistrate Judge filed a Report and Recommendation (“R&R”)
17 recommending that the Court grant Plaintiff’s Motion for Default Judgment (Doc. 12) and 18
award damages for unpaid and overtime wages against all Defendants. (Doc. 13).¹ To date, 19 1
This case is assigned to a Magistrate Judge. However, not all parties have 20 consented to the
jurisdiction of the Magistrate Judge. Thus, the matter is before this Court pursuant to General
Order 21-25, which states in relevant part: 21 When a United States Magistrate Judge to whom a
civil action has been 22 assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be
appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1) 23 due to incomplete
status of election by the parties to consent or not consent to the full authority of the Magistrate
Judge, 24 IT IS ORDERED that the Magistrate Judge will prepare a Report and 25
Recommendation for the Chief United States District Judge or designee. 26 IT IS FURTHER
ORDERED designating the following District Court Judges to review and, if deemed suitable, to
sign the order of dismissal on 27 my behalf: 28 Phoenix/Prescott: Senior United States District
Judge Stephen M. McNamee 1 no objections have been filed.

2 STANDARD OF REVIEW

The Court “may accept, reject, or modify, in whole or in part, the findings or 3 recommendations
made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see *Baxter v. 4 Sullivan*, 923 F.2d 1391, 1394
(9th Cir. 1991). Parties have fourteen days from the service 5 of a copy of the Magistrate=s
recommendation within which to file specific written 6 objections to the Court. 28 U.S.C. §
636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a 7 Magistrate Judge=s recommendation
relieves the Court of conducting de novo review of the 8 Magistrate Judge=s factual findings and
waives all objections to those findings on appeal. 9 See *Turner v. Duncan*, 158 F.3d 449, 455 (9th
Cir. 1998). A failure to object to a Magistrate 10 Judge=s conclusion “is a factor to be weighed in

considering the propriety of finding waiver 11 of an issue on appeal.” Id. 12

DISCUSSION2

13 Having reviewed the Magistrate Judge’s R&R, Plaintiff’s Motion and supporting 14 affidavits, and no Objections having been made by any party thereto, the Court hereby 15 adopts the Magistrate Judge’s R&R. The Court finds that entry of default judgment and a 16 statutory damages award totaling \$529.203 is appropriate in this matter. (Doc. 13). 17

CONCLUSION

18 Accordingly, 19 IT IS ORDERED adopting the Report and Recommendation of the Magistrate
20 Judge. (Doc. 13). 21 IT IS FURTHER ORDERED granting Plaintiff’s Motion for Default
Judgment. 22 (Doc. 12). 23 IT IS FURTHER ORDERED that Plaintiff Luis Enrique Ramos Perez
is entitled 24 to judgement in the amount of \$529.20 against all Defendants, in which they shall be
jointly 25 and severally liable. This amount shall be subject to post-judgment interest at the
applicable 26 27 2 The factual and procedural history of this case is set forth in the Magistrate
Judge’s Report and Recommendation (Doc. 13). 28 3 This is a trebled amount under the Arizona
Minimum Wage Act (“AMWA”), which engulfs Plaintiff’s wage damages under the Fair Labor
Standards Act (“FLSA”). federal rate pursuant to 28 U.S.C. § 1961(a). 2 IT IS FURTHER
ORDERED directing the Clerk of Court enter judgement accordingly. 4 IT IS FURTHER
ORDERED directing Plaintiff to file a motion for attorney fees 5 || and costs on or before
February 3, 2026 pursuant to LRCiv 54.2. 6 IT IS FURTHER ORDERED directing the Clerk of
Court to terminate this action. 7 Dated this 20th day of January, 2026. 8 9 oe - Stephen M.
McNamee 10 Senior United States District Judge 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
26 27 28 _3-