

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jordyn Rocha v. All Things Go LLC

Rocha · No. 1:25-cv-00741-JLT-SAB · Decided October 2, 2025

SUMMARY

The court disregarded Plaintiff's first amended complaint because it was filed without leave after the time to amend as a matter of course had expired. The court vacated the initial scheduling conference and ordered Plaintiff to file a motion for default judgment based on the original complaint within 35 days, warning that noncompliance could result in a recommendation of dismissal for failure to prosecute.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 2, 2025
DOCKET	1:25-cv-00741-JLT-SAB
DISPOSITION	other
PROCEDURAL POSTURE	After the Clerk entered default against Defendant, Plaintiff filed a first amended complaint without seeking leave to amend. The court disregarded the amended complaint, vacated the initial scheduling conference, and required Plaintiff to move for default judgment based on the original complaint.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jordyn Rocha, individually and on behalf of all those similarly situated v. All Things Go LLC

TOPICS

[default judgment](#) [default](#) [motion to amend](#) [pleadings](#) [civil procedure](#)

PRACTICE AREAS

[civil procedure](#) [telephone consumer protection](#)

QUESTIONS PRESENTED

- 1. Whether Plaintiff could file a first amended complaint as a matter of course after the applicable period had expired without obtaining leave of court.
- 2. What procedural steps were required after entry of default before Plaintiff could obtain a default judgment.

HOLDINGS

- 1. Plaintiff's first amended complaint was properly disregarded because the time to amend as a matter of course had expired and Plaintiff had not moved for leave to amend.
- 2. Entry of default and default judgment are separate steps. After entry of default, Plaintiff must file an appropriate motion for default judgment under Federal Rule of Civil Procedure 55(b)(1) or (2).

KEY QUOTATIONS

“Default judgments are generally disfavored, and whenever it is reasonably possible, cases should be decided upon their merits.” (at 1)

FACTUAL BACKGROUND

Plaintiff filed this action against Defendant, which failed to plead or otherwise defend. After the court directed Plaintiff to seek entry of default, the Clerk entered default. Plaintiff then filed a first amended complaint without moving for leave to amend, even though the period for amendment as a matter of course had expired.

PROCEDURAL HISTORY

Plaintiff commenced the action on June 18, 2025. On September 22, 2025, the court directed Plaintiff to seek entry of default; Plaintiff complied, and the Clerk entered default. Plaintiff also filed a first amended complaint without leave of court after the period for amendment as a matter of course had expired. The court issued this order disregarding the amended complaint, vacating the scheduling conference, and setting a deadline for a motion for default judgment.

DISPOSITION

other

CASES CITED

- In re Hammer, 940 F.2d 524 (9th Cir. 1991)

OPINION

Rocha

PER CURIAM.

1 2 3 4 5 6 7

UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 JORDYN ROCHA, individually and on behalf Case No. 1:25-cv-00741-JLT-SAB 11 of all
those similarly situated,

ORDER DISREGARDING FIRST

12 Plaintiffs, AMENDED COMPLAINT; VACATING

OCTOBER 30, 2025 SCHEDULING

13 v. CONFERENCE; AND REQUIRING

PLAINTIFF TO FILE A MOTION FOR

14 ALL THINGS GO LLC, DEFAULT JUDGMENT

15 Defendant. THIRTY-FIVE DAY DEADLINE 16 Plaintiff commenced this action on June 18,
2025. (ECF No. 1.) On September 22, 17 2025, the Court directed Plaintiff to file for an entry of
default. (ECF No. 6.) While Plaintiff 18 timely complied, and the Clerk entered an entry of default
thereof (ECF Nos. 8, 9), Plaintiff also 19 filed a first amended complaint. (ECF No. 7.) Plaintiff
did not move for leave to amend, and the 20 time to leave to amend as a matter of course had
previously passed. Fed. R. Civ. P. 15(a)(1)(A). 21 Pursuant to Federal Rules of Civil Procedure 55,
obtaining a default judgment is a two- 22 step process. Entry of default is appropriate as to any
party against whom a judgment for 23 affirmative relief is sought that has failed to plead or
otherwise defend as provided by the Federal 24 Rules of Civil Procedure and where that fact is
made to appear by affidavit or otherwise. Fed. R. 25 Civ. P. 55(a). After entry of default, a plaintiff
can seek entry of default judgment. Fed. R. Civ. 26 P. 55(b)(1) and (2). “Default judgments are
generally disfavored, and whenever it is reasonably 27 possible, cases should be decided upon
their merits.” In re Hammer, 940 F.2d 524, (9th Cir. 1 | 1991) (cleaned up). 2 As Defendant in this
matter is in default, the Court will vacate the initial scheduling 3 | conference and set a deadline
for a motion for default judgment to be filed. Because the time has 4 | passed for Plaintiff to file an
amended complaint as a matter of course and Plaintiff did not move 5 | for leave to amend, the
Court will disregard the first amended complaint. 6 Should Plaintiff wish to file an amended
complaint, he is advised that he will need to 1) 7 | move to set aside the entry of judgment; 2)
move for leave to amend; 3) assuming the Court 8 | would grant the motion, Plaintiff would then
need to effectuate service of the amended 9 | complaint; 4) wait the requisite amount of time for
Defendant to default on appearing as to the 10 | amended complaint; and finally 5) move for an
entry of default should Defendant subsequently 11 | default. 12 Accordingly, IT IS HEREBY
ORDERED that: 13 1. The first amended complaint (ECF No. 7) is DISREGARDED; 14 2.
Within thirty-five (35) days from the date of entry of this order, Plaintiff shall 15 file a motion for
default judgment based on the original complaint (ECF No. 1); 16 3, The initial scheduling
conference set for October 30, 2025, is VACATED; and 17 4. Plaintiff is advised that the failure to
comply with this order shall result in a 18 recommendation that this action be dismissed for failure
to prosecute. 19 IT IS SO ORDERED. OF nf Se 21 | Dated: _ October 2, 2025 _ ee

STANLEY A. BOONE

22 United States Magistrate Judge 23 24 25 26 27 28

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