

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Randal Jerome Dalavai v. Donna Loza, et al.

Dalavai · No. 3:22-cv-01471-CAB-DDL · Decided June 3, 2025

SUMMARY

The United States District Court for the Southern District of California denies Plaintiff Randal Jerome Dalavai's amended motion for reconsideration of the denial of his motion for default judgment. The court concludes that Plaintiff has not shown grounds for relief under Federal Rule of Civil Procedure 60(b), including because California Health and Safety Code section 1279.2 does not create a protected property or liberty interest supporting a due process claim.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	June 3, 2025
DOCKET	3:22-cv-01471-CAB-DDL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b) for reconsideration of the Court's order denying his motion for default judgment. Plaintiff filed two motions, and the Court considered the amended motion.
STANDARD OF REVIEW	Relief under Rule 60(b) is an extraordinary remedy to be used sparingly in the interests of finality and conservation of judicial resources. The moving party must satisfy one of the grounds specified in Rule 60(b).
PRECEDENTIAL VALUE	Unpublished federal district court order; precedential status is not identified in the opinion.
PARTIES	Randal Jerome Dalavai v. Donna Loza, et al.

TOPICS

- motion for reconsideration
- default judgment
- procedural due process
- due process
- civil procedure

PRACTICE AREAS

civil procedure

constitutional law

health law

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to relief under Rule 60(b)(1) or Rule 60(b)(6) based on an asserted mistaken factual premise in the order denying default judgment.
2. Whether California Health and Safety Code section 1279.2 creates a property or liberty interest protected by procedural due process.

HOLDINGS

1. Plaintiff was not entitled to relief from the order denying default judgment because he did not establish mistake, inadvertence, surprise, excusable neglect, or another reason justifying relief under Rule 60(b).
2. California Health and Safety Code section 1279.2 does not, by its plain text, create a property or liberty interest sufficient to sustain Plaintiff's due process claim.

KEY QUOTATIONS

“The crux of the Court’s analysis rested on the fact that Plaintiff cannot identify any property or liberty interest at issue in this case to sustain a due process claim.” (at 1)

“Relief pursuant to a Rule 60(b) motion is an extraordinary remedy “to be used sparingly in the interests of finality and conservation of judicial resources.”” (at 2)

FACTUAL BACKGROUND

Plaintiff's claims involved the denial of a state agency complaint and an asserted due process interest allegedly arising from California Health and Safety Code section 1279.2, which governs onsite hospital investigations. The Court previously concluded that the denial of the state agency complaint did not establish prejudice relevant to default judgment and that Plaintiff could not identify a property or liberty interest sufficient to sustain a due process claim. Plaintiff sought reconsideration based on his assertion that the Court misunderstood whether he could still file a complaint under section 1279.2.

PROCEDURAL HISTORY

The Court previously denied Plaintiff's motion for default judgment. Plaintiff then filed two motions for reconsideration, asserting that the prior order rested on a mistaken factual premise concerning his ability to file a complaint under California Health and Safety Code section 1279.2. The Court rejected that contention and denied reconsideration.

DISPOSITION

other

CASES CITED

- Am. Ironworks & Erectors, Inc. v. N. Am. Const. Corp., 248 F.3d 892, 899 (9th Cir. 2001)
- Brewster v. Bd. of Educ. of Lynwood Unified Sch. Dist., 149 F.3d 971, 983 (9th Cir. 1998)
- Kona Enters., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)

OPINION

Dalavai v. University of California San Diego Health

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 RANDAL JEROME DALAVAI, Case No.: 3:22-cv-01471-CAB-DDL Plaintiff, 12

ORDER DENYING MOTION FOR

v.

13 RECONSIDERATION

DONNA LOZA, et al., 14 Defendants. [Doc. Nos. 99 and 102] 15 16 17 18 Plaintiff has filed two motions for reconsideration relating to the Court's order 19 denying Plaintiff's motion for default judgment. [Doc. Nos. 99 and 102.] The Court 20 considers the amended motion. 21 "The moving party under Rule 60(b) is entitled to relief from judgment for the 22 following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly 23 discovered evidence; (3) fraud, misrepresentation, or other misconduct of an adverse party; 24 (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; or 25 (6) any other reason justifying relief from the operation of the judgment." Am. Ironworks 26 & Erectors, Inc. v. N. Am. Const. Corp., 248 F.3d 892, 899 (9th Cir. 2001). 27 28 1 Plaintiff, moving under prongs one and six, claims that the Court's order rests on a 2 ||mistaken factual premise: that Plaintiff may still file a complaint under Cal. Health & 3 Safety Code § 1279.2. [Doc. No. 102 at 2.] Plaintiff misreads the Court's order. In its 4 analysis of the legal justification for a default judgment, the Court explained that the past 5 || denial of Plaintiff's state agency complaint was not grounds for a showing of prejudice (an 6 || Fitel factor). [Doc. No. 97 at 6.] The crux of the Court's analysis rested on the fact that 7 || Plaintiff cannot identify any property or liberty interest at issue in this case to sustain a due 8 || process claim. See Brewster v. Bd. of Educ. of Lynwood Unified Sch. Dist., 149 F.3d 971, 9 (9th Cir. 1998). The plain text of Section 1279.2 does not by itself create such a right. 10 || Moreover, the Court has been provided no authority, nor is it aware of any, that extends a 11 ||statute governing onsite hospital investigations to create a constitutional interest subject to 12 minimal requirements of procedural due process. 13 Relief pursuant to a Rule 60(b) motion is an extraordinary remedy "to be used 14 || sparingly in the interests of finality and conservation of judicial resources." Kona Enters., 15 || Inc. v. Estate of Bishop, 229 F, 3d 877, 890 (9th Cir. 2000) (citation omitted). Plaintiff has 16 ||not met this standard. The Court denies Plaintiff's motion for

reconsideration. 17 18 It is SO ORDERED. 19 20 || Dated: June 3, 2025 & Z 21 Hon. Cathy Ann
Bencivengo 22 United States District Judge 23 24 25 26 27 28

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-southern-district-of-california-united-states-district-court-fo/2025/ral-d-jerome-dalavai-v-donna-loza-et-al-ii3lzee0>