

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.

OPINION

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., 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