

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Avila v. NewRez LLC

Avila · No. 2:24-cv-2264-TLN-CSK · Decided April 4, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 DAVID AVILA, et al., Case No. 2:24-cv-2264-TLN-CSK 12 Plaintiffs, 13 v.
ORDER 14 NEWREZ, LLC D/B/A SHELLPOINT MORTGAGE SERVICING, et al., 15
Defendants. 16 17 18 Plaintiffs David Avila and John Hayne (collectively, “Plaintiffs”) filed the
above-entitled 19 action.

The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 20 636(b)(1)
(B) and Local Rule 302. 21 On March 10, 2025, the magistrate judge filed findings and
recommendations, which were 22 served on the parties and which contained notice that any
objections to the findings and 23 recommendations were to be filed within fourteen (14) days.

(ECF No. 47.) No objections were 24 filed and the time to do so has passed. 25 The Court
presumes that any findings of fact are correct. See *Orand v. United States*, 602 26 F.2d 207, 208
(9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. 27 See *Robbins*
v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the 28 magistrate
judge are reviewed de novo by both the district court and [the appellate] court[.]”).

1 | Having reviewed the file, the Court finds the findings and recommendations to be supported by
2 | the record and by the proper analysis. 3 Accordingly, IT IS HEREBY ORDERED that: 4 1. The
findings and recommendations (ECF No. 47) are ADOPTED IN FULL; 5 2. Defendant Peak
Foreclosure Services Inc’s amended motion to set aside default (ECF No. 6 43) is GRANTED;
and 7 3.

The Clerk of the Court is directed to set aside Defendant Peak Foreclosure Services Inc.’s 8 entry
of default. 9 | DATED: April 4, 2025 10 11 7, 12 TROY L. fH B CHIEF UNITED STATES
DISTRICT JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28