

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

United States v. Salazar

No. 1:23-cv-01282-JLT-CDB (E.D. Cal. May 13, 2025) · No. 1:23-cv-01282-JLT-CDB · Decided May 13, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted in full the magistrate judge’s findings and recommendations concerning defendants’ motion to set aside a default judgment. Because no objections were filed and the findings were supported by the record and proper analysis, the court denied the motion.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 13, 2025
DOCKET	1:23-cv-01282-JLT-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to set aside a default judgment entered in favor of the United States. After the magistrate judge recommended denial of the motion, no party filed objections, and the district court conducted de novo review and adopted the findings and recommendations.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C) and Local Rule 304.
PRECEDENTIAL VALUE	Nonprecedential district court order

TOPICS

default judgment default civil procedure civil rights remedies

PRACTICE AREAS

civil procedure civil rights remedies real estate

QUESTIONS PRESENTED

1. Whether defendants' motion to set aside the default judgment should be granted.

HOLDINGS

1. The motion to set aside the default judgment is denied because the magistrate judge's findings and recommendations recommending denial are supported by the record and proper analysis.

KEY QUOTATIONS

“Defendants’ motion to set aside default judgment (Doc. 37) is **DENIED**.” (Conclusion and Order ¶ 2)

FACTUAL BACKGROUND

The United States initiated the action to enforce the Fair Housing Act on behalf of Angela McGinnis. The district court entered default judgment against the defendants on October 28, 2024. Defendants, through newly noticed counsel, moved to set aside the default judgment on November 25, 2024, but did not object to the magistrate judge's recommendation that the motion be denied.

PROCEDURAL HISTORY

The United States brought an action under Title VIII of the Civil Rights Act of 1968, the Fair Housing Act, against Javier Salazar Jr., Javier Salazar Sr., and Ricardo Covarrubias. On October 28, 2024, the district court granted the United States' motion for default judgment. Defendants later moved to set aside the judgment. The magistrate judge recommended denying that motion, and the district court adopted the recommendation in full after de novo review.

DISPOSITION

other

CASES CITED

- Brandt v. Am. Bankers Ins. Co. of Fla., 653 F.3d 1108, 1111 (9th Cir. 2011)
- U.S. v. Aguilar, 782 F.3d 1101, 1105 (9th Cir. 2015)
- U.S. v. Signed Personal Check No. 730 of Yubran S. Mesle, 615 F.3d 1085, 1091 (9th Cir. 2010)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 UNITED STATES OF AMERICA, Case No. 1:23-cv-01282-JLT-CDB 12
Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DENYING 13 v.
DEFENDANTS’ MOTION TO SET ASIDE 14 DEFAULT JUDGMENT JAVIER SALAZAR,
JR., et al., 15 (Doc. 40) Defendants. 16 17 18 The United States of America initiated this action
against Javier Salazar, Jr., Javier 19 Salazar Sr., and Ricardo Covarrubias to enforce the provisions
of Title VIII of the Civil Rights 20 Act of 1968, as amended, 42 U.S.C. §§ 3601, et seq. (the “Fair
Housing Act” or “FHA”), on 21 behalf of Angela McGinnis.

(Doc. 1 at ¶¶ 1-2.) On October 28, 2024, the undersigned adopted the 22 magistrate judge's findings and recommendations and granted Plaintiff's motion for default 23 judgment against Defendants. (Doc. 35.) 24 On November 25, 2024, Defendants (through newly noticed counsel) filed a motion to set 25 aside the default judgment. (Doc. 37.) Plaintiff filed an opposition on December 9, 2024.

(Doc. 26 39.) The motion was referred to the assigned magistrate judge. (Doc. 38.) 27 On April 23, 2025, the assigned magistrate judge issued findings and recommendations to 1 | defense weigh in favor of maintaining the default judgment. (Doc. 40.) (citing *Brandt v. Am. 2 | Bankers Ins. Co. of Fla.*, 653 F.3d 1108, 1111 (9th Cir. 2011); *U.S. v. Aguilar*, 782 F.3d 1101, 3 | 1105 (9th Cir.

2015); and *U.S. v. Signed Personal Check No. 730 of Yubran S. Mesle*, 615 F.3d 4 | 1085, 1091 (9th Cir. 2010).) The findings and recommendations were served upon the parties and 5 | advised them that they may file written objections within 14 days (i.e., not later than May 7, 6 | 2025) and that "failure to file any objections within the specified time may result in the waiver of 7 | rights on appeal." (/d. at 13) (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir.

2014).) No 8 | party filed objections or any other response and the deadline to do so has passed. 9 Pursuant to 28 U.S.C. § 636(b)(1)(C), and Local Rule 304, this Court conducted a de novo 10 | review of this case. Having carefully reviewed the entire matter, this Court concludes the findings 11 | and recommendations are supported by the record and by proper analysis.

12 CONCLUSION AND ORDER 13 For the reasons set forth above: 14 1. The April 23, 2025, findings and recommendations (Doc. 40) are ADOPTED IN 15 FULL. 16 2. Defendants' motion to set aside default judgment (Doc. 37) is DENIED. 17 18 IT IS SO ORDERED. 19 | Dated: _ May 13, 2025 Charis [Tourn TED STATES DISTRICT JUDGE 20 21 22 23 24 25 26 27 28