

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Ryan September Wednesday Bevins v. Unknown Richardson, et al.

Bevins v. Richardson · No. CV-24-08061-PCT-JJT · Decided February 9, 2026

SUMMARY

The United States District Court for the District of Arizona adopted a Report and Recommendation finding good cause to set aside the Clerk’s entry of default against Defendant Richardson. The court granted Richardson’s motion, directed the Clerk to set aside the default, and allowed Richardson three weeks to file an answer or other responsive pleading.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	February 9, 2026
DOCKET	CV-24-08061-PCT-JJT
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending that Defendant Richardson's motion to set aside the Clerk's entry of default be granted. Plaintiff filed no objection to the Report and Recommendation or to the motion.
STANDARD OF REVIEW	The district court independently reviewed the merits of the motion and applied the good-cause standard for setting aside an entry of default. It also noted that, because no objections were filed, it could accept the Report and Recommendation without further analysis under LRCiv 7.2(i).
PRECEDENTIAL VALUE	Unknown

TOPICS

[default](#) [default judgment](#) [civil procedure](#)

PRACTICE AREAS

[civil procedure](#) [prisoner civil rights](#)

QUESTIONS PRESENTED

1. Whether Defendant Richardson demonstrated good cause to set aside the Clerk's entry of default.
2. Whether the district court should adopt the magistrate judge's Report and Recommendation when Plaintiff filed no objections.

HOLDINGS

1. Good cause existed to set aside the entry of default because Richardson did not engage in culpable conduct leading to the default, presented a meritorious procedural defense and an arguable defense on the merits, and reopening the default would not prejudice Plaintiff.
2. The court adopted the Report and Recommendation in whole, including its reasoning, because Plaintiff filed no objections and the court independently determined that the motion had merit.

KEY QUOTATIONS

“The Court finds defendant Richardson engaged in no culpable conduct that led to the default; that he presents meritorious procedural defense and an arguable merits defense; and that reopening the default would not prejudice Plaintiff.” (at 1)

FACTUAL BACKGROUND

The Clerk entered default against Defendant Richardson. Richardson moved to set aside that default, but Plaintiff did not respond. The court found that Richardson was not culpable in causing the default, presented a meritorious procedural defense and an arguable defense on the merits, and that reopening the default would not prejudice Plaintiff.

PROCEDURAL HISTORY

The Clerk entered default against Defendant Richardson at Doc. 19. Richardson moved to set aside the entry of default at Doc. 22. Magistrate Judge Alison S. Bachus recommended granting the motion at Doc. 25, and the district court adopted the Report and Recommendation, granted the motion, directed the Clerk to set aside the default, and allowed Richardson three weeks to file an answer or other responsive pleading.

DISPOSITION

other

CASES CITED

- United States v. Signed Personal Check No. 730 of Yubran S. Mesle, 615 F.3d 1085, 1091 (9th Cir. 2010)

OPINION

1 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Ryan September Wednesday Bevins, No. CV-24-08061-PCT-JJT 10 Plaintiff, ORDER 11 v. 12 Unknown Richardson, et al., 13 Defendants. 14 15 At issue is the Report and Recommendation (Doc. 25, “R&R”) from United States 16 Magistrate Judge Alison S. Bachus

recommending that the court grant Defendant 17 Richardson's Motion to set aside the Clerk's prior entry of default in this matter (Doc.22).

18 Plaintiff never responded to the motion, and therefore can be deemed to acquiesce in the 19 granting of the motion pursuant to LRCiv 7.2(i). Judge Bachus nonetheless independently 20 analyzed Defendant's Motion on its merits and concluded that it met the standard to find 21 good cause to grant it. She so recommends to this Court. 22 In the R&R, Judge Bachus warned the parties that they had two weeks from its entry 23 to file any objections thereto, and if none were filed, this Court was free to accept the 24 recommendation without further analysis.

(R&R at 12-13.) More than six weeks have now 25 passed since the entry of the R&R, and Plaintiff has filed no objections, timely, or 26 otherwise. The Court is thus free to accept the recommendations. It nonetheless also 27 evaluates the Motion on its merits, and upon so doing, concludes that the good cause 28 standard as set forth in *United States v. Signed Personal Check No. 730 of Yubran S. Mesle*, || 615 F.3d 1085, 1091 (9th Cir.

2010), has been met. The Court finds defendant Richardson engaged in no culpable conduct that led to the default; that he presents meritorious || procedural defense and an arguable merits defense; and that reopening the default would 4|| not prejudice Plaintiff. It therefore will adopt the R&R in whole and grant the Motion. 5 IT IS ORDERED adopting the R&R (Doc.

25) entered in this matter by Judge 6 || Bachus, including its reasoning. 7 IT IS FURTHER ORDERED granting Defendant Richardson's Motion at Doc. 8 || 22. The Court directs the Clerk to set aside its entry of default as to Defendant Richardson, 9|| found at Doc. 19. 10 IT IS FURTHER ORDERED allowing Defendant Richardson to file an Answer 11 || or other responsive pleading within three weeks of entry of this Order.

12 Dated this 6th day of February, 2026. CN 13 "wok: Unifga StatesDistrict Judge 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -2-