

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jordyn Rocha v. All Things Go LLC

Rocha · No. 1:25-cv-00741-JLT-SAB · Decided September 22, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered Plaintiff Jordyn Rocha to file a request for entry of default against Defendant All Things Go LLC by September 29, 2025. The order noted that Defendant had been served but had not appeared or answered, and warned that failure to comply could result in a recommendation of dismissal for failure to prosecute.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 22, 2025
DOCKET	1:25-cv-00741-JLT-SAB
DISPOSITION	other
PROCEDURAL POSTURE	After Plaintiff commenced the action and filed a summons returned executed showing service on Defendant, Defendant failed to appear or answer. The court ordered Plaintiff to file a request for entry of default by September 29, 2025.
PRECEDENTIAL VALUE	Unknown

TOPICS

- default
- default judgment
- service of process
- civil procedure

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

- Whether the court should require Plaintiff to seek entry of default after Defendant failed to appear or answer following service.

2. What procedural steps are required under Federal Rule of Civil Procedure 55 before a plaintiff may seek default judgment.

HOLDINGS

1. Under Federal Rule of Civil Procedure 55, obtaining a default judgment is a two-step process: entry of default under Rule 55(a), followed by a motion for default judgment under Rule 55(b)(1) or (b)(2).

KEY QUOTATIONS

“Pursuant to Federal Rules of Civil Procedure 55, obtaining a default judgment is a two-step process.” (1)

“Default judgments are generally disfavored, and whenever it is reasonably possible, cases should be decided upon their merits.” (1)

FACTUAL BACKGROUND

Jordyn Rocha commenced the action against All Things Go LLC on June 18, 2025. A summons was returned executed, indicating that Defendant had been served and that its answer was due July 11, 2025. Defendant had not appeared or answered by the time of the September 22, 2025 order.

PROCEDURAL HISTORY

Plaintiff commenced the action on June 18, 2025. Plaintiff later filed a summons returned executed indicating that Defendant had been served and that an answer was due July 11, 2025. Defendant did not appear or answer, so the court set a deadline for Plaintiff to request entry of default and warned that noncompliance could result in a recommendation of dismissal for failure to prosecute.

DISPOSITION

other

CASES CITED

- In re Hammer, 940 F.2d 524, 525 (9th Cir. 1991)

OPINION

Rocha

PER CURIAM.

1 2 3 4 5 6 7 8

UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

10 11 JORDYN ROCHA, individually and on behalf Case No. 1:25-cv-00741-JLT-SAB of all
those similarly situated,

12 ORDER REQUIRING PLAINTIFF TO FILE

Plaintiff, ENTRY OF DEFAULT 13

v. DEADLINE: SEPTEMBER 29, 2025

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ALL THINGS GO LLC,

15 Defendant. 16

17 Plaintiff commenced this action on June 18, 2025. (ECF No. 1.) On September 19, 18 2025, Plaintiff filed a summons returned executed, indicating that service had been effectuated 19 on Defendant with an answer due by July 11, 2025. (ECF No. 5.) The scheduling conference in 20 this matter is currently set for October 30, 2025. (ECF No. 3.) 21 Pursuant to Federal Rules of Civil Procedure 55, obtaining a default judgment is a two- 22 step process. Entry of default is appropriate as to any party against whom a judgment for 23 affirmative relief is sought that has failed to plead or otherwise defend as provided by the Federal 24 Rules of Civil Procedure and where that fact is made to appear by affidavit or otherwise. Fed. R. 25 Civ. P. 55(a). After entry of default, a plaintiff can move for default judgment. Fed. R. Civ. P. 26 55(b)(1), (2). "Default judgments are generally disfavored, and whenever it is reasonably 27 possible, cases should be decided upon their merits." In re Hammer, 940 F.2d 524, 525 (9th Cir. 1 | 1991) (cleaned up). 2 As Defendant in this matter has not appeared and has failed to answer, the Court will set 3 | a deadline for a request for entry of default to be filed by Plaintiff. 4 Accordingly, IT IS HEREBY ORDERED that: 5 1. Plaintiff shall file a request for entry of default no later than September 29, 2025; 6 and 7 2. Plaintiff is advised that failure to comply with this order may result in a 8 recommendation that this action be dismissed for failure to prosecute. 9

10 IT IS SO ORDERED. FA. Se

11 | Dated: _ September 22, 2025 "

STANLEY A. BOONE

12 United States Magistrate Judge 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28