

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RON COOK,

Plaintiff,

v.

RON SIMS, et al.,

Defendants.

Case No. 1:21-cv-01478-AWI-EPG

ORDER SETTING ASIDE CLERK'S  
ENTRY OF DEFAULT

(ECF Nos. 13, 22)

Plaintiff Ron Cook proceeds through counsel in this civil rights action against Defendants Ron Sims, James Funk, Salina Correa, Floyd Avila, Flor Garcia, and Pacific Valley Security Patrol. (ECF No. 1).

On November 4, 2022, this Court issued an order requiring Defendant Pacific Valley Security Patrol to file a response by November 18, 2022, regarding the entry of default against it and the untimely answer, and Defendant Flor Garcia to file a response by this same date regarding the untimely answer. (ECF No. 22). Alternatively, the order provided, "if the parties are able to come to an agreement regarding Defendants' untimely answer, they shall file an appropriate stipulation on the record by no later than November 18, 2022. In such case, the Court will not require Defendants to otherwise respond to this order."

On November 4, 2022, Plaintiff and Defendant Pacific Valley Security Patrol filed a stipulation to set aside the clerk's entry of default, stating that Defendant's correct name is Pacific

Valley Patrol Inc., that it did not become aware that it had been sued under the erroneous name until after the Clerk's entry of default was entered, and that counsel for Defendant was only recently retained. (ECF No. 22).

Given the parties' stipulation, IT IS ORDERED as follows:

1. The stipulation (ECF No. 22) to set aside the entry of default against Defendant Pacific Valley Security Patrol is approved;
2. The Clerk of Court shall vacate and set aside the entry of default (ECF No. 13) against Defendant Pacific Valley Security Patrol; and
3. The Clerk of Court shall amend the docket to change Defendant Pacific Valley Security Patrol's name to Pacific Valley Patrol, Inc.<sup>1</sup>

IT IS SO ORDERED.

Dated: **November 7, 2022**

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE

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1. As the stipulation does not concern Defendant Flor Garcia, the Court awaits a response by Defendant Flor Garcia to its November 4, 2022 order, explaining why the Court should not issue sanctions regarding the untimely answer, which response remains due by no later than November 18, 2022.