UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WESLEY COTTON, Plaintiff, v. MEDINA, et al., Defendants.	Case No.: 1:22-cv-0568 JLT EPG (PC) ORDER ADOPTING IN FULL THE FINDINGS AND RECOMMENDATIONS AND DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT (Docs. 103, 142)

Wesley Cotton asserts he suffered violations of his civil rights while housed at Corcoran State Prison. (Doc. 1.) Plaintiff seeks default judgment against Defendants. (Doc. 103.) The magistrate judge found Plaintiff does not provide a basis for default judgment against Defendants, because "Defendants have not 'failed to plead or otherwise defend' the lawsuit, as required by Federal Rule of Civil Procedure 55." (Doc. 142 at 4.) To the extent Plaintiff asserted that default judgment was appropriate because Defendants' counsel was briefly ineligible to practice law from July 2, 2024, to August 6, 2024, the magistrate judge rejected the argument because "there was no basis to punish Defendants for counsel's error." (*Id.*) Therefore, the magistrate judge recommended the Court deny the motion. (*Id.*)

The Court served the Findings and Recommendations on the parties and notified Plaintiff that any objections were due within 30 days. (Doc. 142 at 4.) The Court advised him that the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.* at 5, citing

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Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations dated July 9, 2025 (Doc. 142) are **ADOPTED** in full.
2. Plaintiff's motion for default judgment (Doc. 103) is **DENIED**.

IT IS SO ORDERED.

Dated: **August 18, 2025**

UNITED STATES DISTRICT JUDGE