UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHELSIE M. SANTILLAN, Plaintiff, v. CALIFORNIA BAR EXAMINERS, *et al.*, Defendants.	Case No. 2:24-cv-0571-DJC-JDP (PS) ORDER; FINDINGS AND RECOMMENDATIONS

Pending before the court is plaintiff's motion for default judgment. ECF No. 58. Prior to plaintiff's filing, defendants moved to dismiss plaintiff's seventh amended complaint. ECF No. 28. The court granted defendants' motion and (1) dismissed, without leave to amend, plaintiff's claims under 42 U.S.C. § 1983 and state law claims and (2) dismissed, with leave to amend, plaintiff's claims for violation of Title II of the ADA. ECF No. 46. Defendants filed an interlocutory appeal with respect to the court's ruling on plaintiff's Title II claim. ECF No. 50. The Court of Appeals vacated the court's order with respect to only plaintiff's Title II claim in light of the recent decision in *Kohn v. State Bar of California*, 119 F.4th 693 (9th Cir. 2024). ECF No. 55.

Considering the Court of Appeal's order, the parties are directed to file, within fourteen days, a proposed briefing schedule on plaintiff's seventh amended complaint. The parties should

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include their respective positions on whether plaintiff should be permitted to file an amended complaint.

As for plaintiff's motion for default judgment, that motion should be denied since defendants have appeared and have actively litigated this case since inception. *See* Fed. R. Civ. P. 55. More fundamentally, however, plaintiff has failed to seek entry of default prior to seeking default judgment.

Accordingly, it is hereby ORDERED that the parties file a briefing schedule within fourteen days. Failure to comply with this order will result in a recommendation that this action be dismissed.

Further, it is RECOMMENDED that plaintiff's motion for default judgment, ECF No. 58, be DENIED.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days of service of these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Any such document should be captioned "Objections to Magistrate Judge's Findings and Recommendations," and any response shall be served and filed within fourteen days of service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. *See Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: November 18, 2025

JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE