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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff - Appellee,

v.

FREDERICK GEORGE CELANI, AKA
Sidney F. Levine,

Defendant - Appellant,

and

RAINMAKER MANAGED LIVING
LLC, a New York limited liability
company; et al.,

Defendants.

JOHN COTTON, Permanent Receiver of
Rainmaker Managed Living, LLC, a New
York limited liability company, Rainmaker
Managed Living, LLC, a California limited
liability company, and their subsidiaries
and affiliates,

No. 10-56172

D.C. No. 2:05-cv-06121-SJO-SH

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Receiver.

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Frederick George Celani appeals pro se from the district court's order denying his motion to set aside the default judgment in the Securities and Exchange Commission's ("SEC") civil law enforcement action against him. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Brandt v. Am. Bankers Ins. Co. of Fla.*, 653 F.3d 1108, 1110 (9th Cir. 2011). We affirm.

The district court did not abuse its discretion in denying Celani's motion to set aside the default judgment because Celani failed to present a meritorious defense to the SEC's action. *See Am. Ass'n of Naturopathic Physicians v. Hayhurst*, 227 F.3d 1104, 1108 (9th Cir. 2000) (a district court may deny a motion to set aside a default judgment if the defendant lacks a meritorious defense). We

** The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*.

are not persuaded by Celani's contention that he was prejudiced by the district court's failure to await his opposition to the SEC's motion to amend the judgment to reflect Celani's true identity given that Celani does not dispute the accuracy of the amendment.

Celani's remaining contentions are unpersuasive.

AFFIRMED.