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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Raft L. Thompson ,
Plaintiff,

vs.

James A Yates; Timothy Lockwood,
Defendants.

No. 06-cv-763-TUC-RCC

ORDER

Pending before this Court are Plaintiff’s Motions for Default Judgment (Doc. #24), and Defendants’ Motion to Vacate Scheduling Order.

A. Motions for Default Judgement

After reviewing Plaintiff’s Motion for Default Judgment, the Court denies Plaintiff’s motions. He alleges that the Defendants have failed to answer his complaint timely. This Court disagrees. Defendants’ had until September 15, 2009 to file an answer. The record shows that the Defendants filed their Answer on August 13, 2009.

B. Motion to Vacate Scheduling Order

The Court has considered Defendants’ motion to vacate the February 8, 2010 scheduling order pending a decision on Defendants’ motion to dismiss, which was filed on February 17, 2010, and good cause showing, the scheduling order is vacated. A new scheduling order shall be issued, if required, after a decision is rendered on Defendants’ motion to dismiss.


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Therefore,

IT IS HEREBY ORDERED that Plaintiff's Motions for default judgment are denied. (Doc. #24 & 29).

IT IS FURTHER ORDERED that Defendant's Motion to Vacate Scheduling Order is granted. (Doc. #34). The Clerk of the Court shall vacate scheduling order. (Doc. #31).

DATED this 31st day of March, 2010.



Raner C. Collins
United States District Judge