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

RAYMOND WRIGHT,

Plaintiff,

vs.

1: 07 CV 00462 AWI YNP SMS (PC)

ORDER RE MOTION (DOC 40)

JAMES NESMITH, et al.,

Defendants.

Plaintiff has filed a motion for the entry of default. Plaintiff does not identify any individual defendant by name, nor does Plaintiff make any showing that any of the named defendants have been properly served and have failed to respond. Further on August 17, 2009, Defendants Nesmith, Lefler, Figueroa, Gonzalez, Hernandez, Rivera, Lima, Person, Pearce, Baires, Grannic, Orozco, Miller and Kernan appeared by the filing of a motion to dismiss. The Court therefore declines to direct the Clerk's entry of default.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for the entry of default is denied.

IT IS SO ORDERED.

**Dated:** October 8, 2009

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE