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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES ERIC MALLET,

CASE NO. 1:07-cv-00721-LJO-GBC (PC)

Plaintiff,

ORDER REQUIRING DEFENDANT TO
SHOW CAUSE WHY DEFAULT SHOULD
NOT BE ENTERED

v.

J. MCGUINNESS,

RESPONSE DUE BY JULY 1, 2011

Defendant.

_____ /

ORDER

Upon finding that Plaintiff’s Second Amended Complaint stated a claim against Defendant McGuinness, the Court ordered the U.S. Marshall to effect service on McGuinness. On March 31, 2011, the Court received a Waiver of Service Returned Executed signed by Michael A. Terhorst, as attorney for Defendant McGuinness, acknowledging receipt and stating that he agreed to waive formal service of the complaint. (ECF No. 32.) The Waiver stated that Defendant “understand[s] that a judgment may be entered against [him] . . . if an answer or motion under Rule 12 is not filed within the U.S. District Court and served upon plaintiff within 60 days after 2/10/2011.” (Id.)

More than sixty days have passed and Defendant has failed to file an answer or otherwise respond to Plaintiff’s Complaint. Fed. R. Civ. P. 12(a). If Defendant McGuinness fails to respond to this Order by July 1, 2011, default may be entered against him. Fed. R. Civ. P. 55(a).

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1 Accordingly, it is HEREBY ORDERED that:

- 2 1. Defendant McGuinness shall show cause why default should not be entered
3 against him on or before July 1, 2011;
- 4 2. Failure to comply with this Order may result in the Entry of Default;
- 5 3. The deadline to file an Answer or otherwise responsive pleading to Plaintiff's
6 Second Amended Complaint is extended to August 1, 2011; and
- 7 4. The Clerk's Office shall send courtesy copies of this order by mail to:

8 Corcoran State Prison Litigation Office
9 Corcoran State Prison
10 4001 King Avenue
11 Corcoran, CA 93212

12 and

13 Michael A. Terhorst
14 Beeson Terhorst
15 510 Bercut Drive, Ste. V
16 Sacramento, CA 95811

17 and

18 Dr. William J. McGuinness
19 10388 Heale Garden Court
20 Las Vegas, NV 89135

21 IT IS SO ORDERED.

22 Dated: May 20, 2011

23 
24 UNITED STATES MAGISTRATE JUDGE
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