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

ARCHIE CRANFORD,  
Plaintiff,  
vs.  
DIANE SALBER, et al.,  
Defendant.

Case No. 1:08-cv-00063 JLT (PC)  
ORDER DENYING MOTION FOR ENTRY  
OF DEFAULT JUDGMENT  
(Doc. 39)

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Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff's October 4, 2011 motion for entry of default judgment. (Doc. 39). Therein, Plaintiff argues that default judgment should be entered against Defendants for their failure to plead or otherwise defend the action. (Id.) On October 6, 2011, Defendants filed their reply to Plaintiff's request. (Doc. 40).

Plaintiff's motion fails to explain why entry of default against Defendants would be appropriate at this time. Defendants' opposition suggests that Plaintiff may have filed his current motion in response to Defendants' inability to complete the deposition of Plaintiff. (Doc. 40). However, as Defendants explain, they intend to proceed in the action without the benefit of Plaintiff's deposition. In addition, the Court notes that on January 14, 2011, Defendants timely filed an answer to Plaintiff's complaint. (Doc. 23). Therefore, default judgment is not appropriate at this time.

Accordingly, it is **HEREBY ORDERED** that Plaintiff's October 4, 2011 motion for default

1 judgment (Doc. 39) is **DENIED**.

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3 IT IS SO ORDERED.

4 Dated: October 6, 2011

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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