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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MAXIMILLIAN MONCLOVA-CHAVEZ,	)	Case No.: 1:08-cv-00076-AWI-BAM
	)	
Plaintiff,	)	ORDER DIRECTING PLAINTIFF TO FILE
	)	MOTION FOR DEAFULT JUDGMENT OR SEEK
v.	)	DISMISSAL OF REMAINING DEFENDANT
	)	
ERIC McEACHERN, et al.,	)	SIXTY-DAY DEADLINE
	)	
Defendants.	)	
	)	
	)	

Plaintiff Maximilian Monclova-Chavez is a federal prisoner proceeding in this civil rights action filed pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971) against Defendants Miller, White, McEachern and Tincher. Following dismissal of Defendants Miller, White and Tincher, Defendant McEachern is the only remaining defendant in this action. (ECF Nos. 168, 172.) The Clerk of the Court entered default against Defendant McEachern on December 8, 2010. (ECF No. 72.)

On August 29, 2013, the Court directed Plaintiff to file a status report informing the Court if he intended to seek default judgment or dismissal of Defendant McEachern. (ECF No. 174.) On September 4, 2013, Plaintiff filed a status report indicating his intention to seek default judgment against Defendant McEachern, and requesting an additional sixty days to commence default judgment proceedings.

///

1 Based on the status report, it is HEREBY ORDERED that Plaintiff shall file a motion for  
2 default judgment against Defendant McEachern or, alternatively, seek his dismissal within sixty (60)  
3 days from the date of this order.

4 IT IS SO ORDERED.

5 Dated: September 6, 2013

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

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