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

<p>MAXIMILLIAN MONCLOVA-CHAVEZ,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>ERIC McEACHERN, et al.,</p> <p style="text-align: center;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No.: 1:08-cv-00076-AWI-BAM</p> <p>ORDER DIRECTING PLAINTIFF TO FILE MOTION FOR DEAFULT JUDGMENT OR SEEK DISMISSAL OF REMAINING DEFENDANT</p> <p>NINETY-DAY DEADLINE</p>
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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 On September 6, 2013, the Court directed Plaintiff to file a motion for default judgment against  
2 Defendant McEachern or seek his dismissal within sixty (60) days. (ECF No. 175.)

3 On October 21, 2013, Plaintiff filed a motion for default judgment against Defendant  
4 McEachern. (ECF No. 178.) The undersigned issued Findings and Recommendations that the motion  
5 for default judgment be denied without prejudice based on Plaintiff's failure to describe, with  
6 particularity, the amount of damages requested. (ECF No. 179.) Plaintiff did not file any objections.  
7 Thereafter, on January 3, 2014, the District Judge adopted the Findings and Recommendations in full  
8 and denied Plaintiff's motion for default judgment without prejudice. (ECF No. 180.)

9 To date, no further activity has occurred in this action. Accordingly, Plaintiff is directed to file  
10 a renewed motion for default judgment against Defendant McEachern or seek his dismissal from this  
11 action within ninety (90) days of the date of this order. **If Plaintiff fails to comply with this order,**  
12 **this action will be dismissed in its entirety for failure to comply with a court order.**

13 IT IS SO ORDERED.

14 Dated: February 11, 2014

/s/ Barbara A. McAuliffe  
15 UNITED STATES MAGISTRATE JUDGE