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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	MAXIMILLIAN MONCLOVA-CHAVEZ,) Case No.: 1:08-cv-00076-AWI-BAM
12	Plaintiff,) ORDER DIRECTING PLAINTIFF TO FILE
13	v.	 SUPPLEMENTAL BRIEF SUPPORTING MOTION FOR DEFAULT JUDGMENT
14	ERIC McEACHERN, et al.,)) THIRTY-DAY DEADLINE
15	Defendants.)
16)
17	Plaintiff Maximilian Monclova-Chavez is a federal prisoner proceeding with counsel in this	
18	civil rights action filed pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of	
19	Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971) against Defendants Miller, White, McEachern and	
20	Tincher. Following dismissal of Defendants Miller, White and Tincher, Defendant McEachern is the	
21	only remaining defendant in this action. (ECF Nos. 168, 172.) The Clerk of the Court entered default	
22	against Defendant McEachern on December 8, 2010. (ECF No. 72.)	
23	On October 21, 2013, Plaintiff filed a motion for default judgment against Defendant	
24	McEachern. (ECF No. 178.) The undersigned issued Findings and Recommendations that the motion	
25	for default judgment be denied without prejudice based on Plaintiff's failure to describe, with	
26	particularity, the amount of damages requested. (ECF No. 179.) Plaintiff did not file any objections.	
27	Thereafter, on January 3, 2014, the District Judge adopted the Findings and Recommendations in full	
28	and denied Plaintiff's motion for default judgment without prejudice. (ECF No. 180.)	
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1 On April 18, 2014, Plaintiff filed a renewed motion for entry of default judgment against 2 Defendant McEachern. (ECF No. 182.) Defendant McEachern did not oppose the motion. The Court 3 vacated the hearing scheduled for June 13, 2014, and took the motion under submission on June 9, 2014. (ECF No. 183.) 4 Upon review, the Court finds the renewed motion for default judgment deficient. In the 5 Findings and Recommendations regarding denial of the previous motion for default judgment, the 6 7 Court expressly instructed as follows: "If Plaintiff chooses to renew his motion for default judgment, he should describe, with particularity, the amount of damages requested, the manner in which the 8 damages amount was calculated, the legal and factual grounds for the damages, and he should include 9 supporting documentation." (ECF No. 179, p. 5.) Despite the Court's express instruction, Plaintiff 10 did not comply fully with the Court's order. In particular, Plaintiff failed to identify the amount of 11 12 damages requested, the manner in which the damages amount was calculated and the legal grounds for the requested damages.¹ 13 The Court will permit Plaintiff and his counsel a final opportunity to submit the necessary 14 information. Accordingly, IT IS HEREBY ORDERED as follows: 15 16 1. Within thirty (30) days of the date of this order, Plaintiff shall submit supplemental briefing 17 in support of the motion for default judgment filed on April 18, 2014. The supplemental 18 briefing must describe, with particularity, the amount of damages requested, the manner in 19 which the damages amount was calculated and the legal grounds for the requested 20 damages, which may include citation to awards in comparable cases; and 21 2. If Plaintiff fails to comply with this order, the Court may recommend dismissal of this 22 action based on failure to comply with a court order. 23 24 IT IS SO ORDERED. 25 /s/ Barbara A. McAuliffe UNITED STATES MAGISTRATE JUDGE Dated: July 1, 2014 26 27 ¹ Plaintiff's original complaint seeks various amounts in compensatory and punitive damages for each asserted claim. 28 (ECF No. 1, p. 8.)