

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MAXIMILIAN MONCLOVA-CHAVEZ,	CASE NO. 1:08-cv-00076-AWI-SKO PC
Plaintiff,	ORDER GRANTING REQUEST FOR ENTRY OF DEFAULT
v.	(Doc. 55)
ERIC MCEACHERN, et al.,	
Defendants.	

Plaintiff Maximilian Monclova-Chavez (“Plaintiff”) is a federal prisoner in this civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971), which provides a remedy for civil rights violations committed by federal actors. On August 20, 2010, Plaintiff filed a request for entry of default against Defendant Eric McEachern. (Doc. #55.)

The U.S. Marshal was ordered to serve Defendant Eric McEachern with a summons and a copy of Plaintiff’s complaint on December 12, 2008. (Doc. #11.) On August 24, 2009, a summons was returned executed as to Defendant McEachern. (Doc. #27.) The summons indicated that Defendant McEachern was personally served by a U.S. Marshal on August 13, 2009 at 1186 W. Shaw in Fresno, California. Defendant McEachern’s answer to Plaintiff’s complaint was due on September 2, 2009. Defendant McEachern has not filed an answer to Plaintiff’s complaint.

Accordingly, the Court will direct the Clerk to enter default against Defendant McEachern because he has “failed to plead or otherwise defend.” Federal Rule of Civil Procedure 55(a).

///

1 Plaintiff has also filed a motion requesting default judgment against Defendant McEachern which
2 will be addressed at a later date.

3 Based on the foregoing, the Clerk of the Court is HEREBY ORDERED to enter default
4 against Defendant Eric McEachern.

5

6 IT IS SO ORDERED.

7 **Dated:** December 7, 2010

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28