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

CHRISTOPHER N. WASHINGTON,	CASE NO. 1:09-cv-01666-AWI-SKO PC
Plaintiff,	ORDER DENYING PLAINTIFF’S MOTION
v.	FOR ENTRY OF DEFAULT JUDGMENT,
DERRAL G. ADAMS,	AND STRIKING MOTION FOR
Defendant.	DECLARATORY JUDGMENT AND
	INJUNCTIVE RELIEF
	(Docs. 75 and 76)

Plaintiff Christopher N. Washington, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 21, 2009. On April 4, 2012, Plaintiff filed a motion for entry of default judgment and a motion for a declaratory judgment and injunctive relief.

Plaintiff’s motion for entry of default judgment lacks any merit and it shall be denied. Defendant Adams is not in default, Fed. R. Civ. P. 55, nor has he engaged in conduct which would subject him to terminating sanctions under the Court’s inherent power, Chambers v. NASCO, Inc., 501 U.S. 32, 43-45, 111 S.Ct. 2123 (1991); Roadway Express, Inc. v. Piper, 447 U.S. 752, 767, 100 S.Ct. 2455 (1980); Gomez v. Vernon, 255 F.3d 1118, 1134 (9th Cir. 2001); Fink v. Gomez, 239 F.3d 989, 993-94 (9th Cir. 2001).

Plaintiff’s motion for a declaratory judgment and injunctive relief shall be stricken from the record. On March 27, 2012, Defendant was ordered to file a response to Plaintiff’s previously-filed motion seeking to set aside the dismissal of his claims for declaratory and injunctive relief. (Docs. 65-70, 74.) Once Defendant files his opposition or statement of non-opposition, Plaintiff is entitled

1 to file a reply, but he may not amend or supplement his pending motion without leave of court. See  
2 Local Rule 230(l). At this juncture, the Court desires no further briefing from Plaintiff, other than  
3 a reply if applicable and if desired by Plaintiff. If the Court determines it needs further briefing once  
4 the motion is deemed submitted under Local Rule 230(l), it will issue an order.

5 Accordingly, it is HEREBY ORDERED that Plaintiff's motion for entry of default judgment  
6 is DENIED, and Plaintiff's motion for a declaratory judgment and injunctive relief is STRICKEN.  
7 IT IS SO ORDERED.

8 Dated: April 24, 2012

  
9 CHIEF UNITED STATES DISTRICT JUDGE