

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

|                       |   |                                  |
|-----------------------|---|----------------------------------|
| JERRY SIMPSON, JR.,   | ) | 1:09cv01931 AWI DLB              |
|                       | ) |                                  |
| Plaintiff,            | ) |                                  |
|                       | ) | ORDER DENYING PLAINTIFF'S MOTION |
| v.                    | ) | FOR DEFAULT JUDGMENT AND MOTION  |
|                       | ) | TO SET ASIDE JUDGMENT            |
|                       | ) |                                  |
| INTERSCOPE GEFFEN A&M | ) | (Documents 12, 14)               |
| RECORDS,              | ) |                                  |
|                       | ) |                                  |
|                       | ) |                                  |
| Defendants.           | ) |                                  |
|                       | ) |                                  |

Plaintiff Jerry Simpson, a state prisoner proceeding pro se, filed the instant copyright infringement action in the Stanislaus County Superior Court on October 4, 2009. Defendant removed the action to this Court on November 3, 2009.

On November 10, 2009, Defendant filed a motion to dismiss the action for failure to state a claim for which relief can be granted. The motion is currently pending.

On December 17, 2009, Plaintiff filed a motion for default judgment. As Defendant has appeared in this action, however, default judgment is not appropriate and the motion is DENIED.

On January 6, 2010, Plaintiff filed a motion to set aside a void judgment. However, judgment has not been entered in this action and his motion is therefore DENIED.

IT IS SO ORDERED.

**Dated: January 8, 2010**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE