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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

HOPSCOTCH ADOPTIONS, INC., and  
ROBIN SIZEMORE,

Plaintiffs,

v.

VANESSA KACHUDURIAN,

Defendant.

) 1:09-cv-02101 LJO GSA

) **ORDER STRIKING ANSWER TO**  
) **COMPLAINT FILED JULY 22, 2010**

Plaintiff filed its Complaint on December 2, 2009. (Doc. 1.) On February 17, 2010, Plaintiff requested entry of default as to Vanessa Kachudurian for a failure to respond to the summons and complaint served January 21, 2010, via substitute service. (Doc. 19.) On February 22, 2010, the Clerk of the Court entered default as to Vanessa Kachudurian. (Doc. 20.)

On June 29, 2010, Plaintiff filed its application or motion for default judgment against Ms. Kachudurian. The matter was initially scheduled to be heard July 30, 2010. (Doc. 23; *see also* Docs. 24-34.) On July 1, 2010, due to unavailability, this Court continued the hearing on the application for default judgment to August 6, 2010, at 9:30 a.m. in Courtroom 10. (Doc. 35.)

1 On July 22, 2010, Plaintiff, appearing pro se, filed a 118-page answer to Plaintiff's  
2 Complaint. (Doc. 41.) This filing is inappropriate and improper pursuant to the Federal Rules of  
3 Civil Procedure. Defendant is advised that where the Clerk of the Court has entered a party's  
4 default, the party may not simply file an answer to the Complaint. Rather, the defaulting party  
5 must move to set aside a default or default judgment pursuant to Rule 55 of the Federal Rules of  
6 Civil Procedure.

7 Accordingly, IT IS ORDERED that the Answer filed July 22, 2010, is HEREBY  
8 STRICKEN from the record.

9  
10 IT IS SO ORDERED.

11 **Dated: July 23, 2010**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE