

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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TIMOTHY S. DAUBERT,)	1:10-cv-00016 AWI GSA
)	
)	
Plaintiff,)	ORDER RE: PLAINTIFF'S MOTION FOR
)	CLARIFICATION
v.)	
CITY OF LINDSAY,)	
)	(Doc. 14)
Defendant.)	
)	

Plaintiff is proceeding pro se and has filed the instant Motion for Clarification on June 9, 2010. (Doc. 14). Specifically, Plaintiff is inquiring how he requests a default judgment because he contends that Defendant did not timely answer the Complaint, or contact him to prepare a Joint Scheduling Conference Report for the Scheduling Conference that was held on June 9, 2010.

As a preliminary matter, Plaintiff is advised that the Court cannot give him legal advice. Therefore, Plaintiff shall refrain from filing motions requesting that the Court answer questions related to his case. Plaintiff shall refer to the First and Second Informational Orders issued contemporaneously with this order to address any questions he may have. Also, Plaintiff is advised that the Complaint was served on Defendant on February 1, 2010. Defendant filed a Waiver of Service on March 8, 2010. (Doc. 9). Therefore, Defendant's Answer was due on March 29, 2010. *Id.* See also, Fed. R. Civ. P. 4(d)(3). Defendant timely filed an answer on

1 March 26, 2010. (Doc. 10). Therefore, there is no basis to Plaintiff's allegations that Defendant
2 failed to timely respond to the Complaint.

3 Similarly, Plaintiff argues that Defendant did not contact him to participate in the preparation of the
4 Joint Scheduling Conference Report in violation of this Court order and the Local Rules of the Court. However, the Scheduling Conference was not held on June 9, 2010, so
5 there was no prejudice to Plaintiff.

6
7 Defendant is advised that both parties are required to participate in the preparation of the
8 Joint Scheduling Conference Report in the future.

9 IT IS SO ORDERED.

10 Dated: June 23, 2010

11 /s/ Gary S. Austin
12 UNITED STATES MAGISTRATE JUDGE
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