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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NORRIS DAJON MILLER,

CASE NO. 1:10-cv-00112-SKO PC

Plaintiff,

ORDER DENYING MOTION
FOR ENTRY OF DEFAULT

v.

(Doc. 25)

WARDEN, et al.,

Defendants.

Plaintiff Norris Dajon Miller, a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 23, 2010. On May 29, 2012, Plaintiff filed his third motion seeking the entry of default. Fed. R. Civ. P. 55(a).

As with the two previous motions, Plaintiff’s third motion lacks merit. The United States Marshal was directed to *initiate* service of process on April 24, 2012. There is no evidence in the record that Defendants waived service or were personally served and thereafter failed to file a timely response. Until and unless Plaintiff is in receipt of such evidence, there is no basis for seeking entry of default.

Plaintiff was previously warned that further filing of baseless requests for the entry of default may lead to the imposition of sanctions against him. Plaintiff is now warned that if he files another meritless motion, sanctions will be imposed against him.

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1 Plaintiff's motion for the entry of default, filed on May 29, 2012, is HEREBY ORDERED
2 DENIED. Fed. R. Civ. P. 55(a).

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5 IT IS SO ORDERED.

6 **Dated: June 6, 2012**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE