

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

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

JOSE LUIS BARBOZA,	)	No. CV-F-10-559 OWW/DLB
)	
	)	ORDER DENYING DEFENDANTS'
Plaintiff,	)	APPLICATION FOR CLERK'S
	)	ENTRY OF DEFAULT AGAINST
vs.	)	PLAINTIFF (Doc. 29) AND
	)	DIRECTING DEFENDANTS TO FILE
	)	MOTION TO DISMISS PURSUANT
DEUTSCHE BANK SECURITIES,	)	TO RULE 41(b), FEDERAL RULES
INC., et al.,	)	OF CIVIL PROCEDURE FOR
	)	FAILURE TO TIMELY COMPLY
	)	WITH COURT ORDER
Defendants.)	
)	
)	

By Memorandum Decision filed on June 29, 2010 and Order filed on July 6, 2010, Plaintiff's complaint was dismissed with leave to amend. Plaintiff has not filed an amended complaint.

On August 19, 2010, Defendants filed an Application for Clerk's Entry of Judgment Against Plaintiff, seeking default judgment against Plaintiff pursuant to Rule 58(b), Federal Rules of Civil Procedure.

Defendants' Application for Clerk's Entry of Default Judgment Against Plaintiff is DENIED. Defendants shall file a

1 motion to dismiss the action pursuant to Rule 41(b), Federal
2 Rules of Civil Procedure, for failure to timely comply with a
3 court order, noticing the motion for hearing in accordance with
4 the Court's law and motion practice.

5 IT IS SO ORDERED.

6 Dated: August 27, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26