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6   UNITED STATES DISTRICT COURT

7   EASTERN DISTRICT OF CALIFORNIA

8   RICKEY ADAMS,   CASE NO.   1:10-cv-671-AWI-MJS (PC)

9   Plaintiff,   ORDER   DENYING   REQUEST   FOR
                                            DEFAULT
10   v.
                                            (ECF No. 8)
11   J. YATES, et al.,
                                            AND GRANTING DEFENDANT'S MOTION
12   Defendants.   FOR EXTENSION OF TIME TO RESPOND

13   _____/ (ECF No. 1)

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15   Plaintiff Rickey Adams ("Plaintiff") is a state prisoner proceeding pro se in this civil

16   rights action pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff's Request for

17   Entry of Default [ECF No. 8] asking the Court to enter default against Defendants based

18   on their failure to answer or otherwise respond to his complaint. Defendants have filed an

19   opposition to this Motion.

20   In conjunction with their Notice of Removal, Defendants asked the Court to delay

21   their time for responding to the Complaint until after the Court had screened the Complaint

22   pursuant to 28 U.S.C. § 1915(A).[1] The filing of this motion and the Defendants' opposition

23   to the instant motion indicates that Defendants intend to defend against this action. Thus,

24   default is inappropriate. Even if the Court were to enter default, it could easily be set aside.

25   See Knox v. Woodford, 2010 WL 19567839, *1 (E.D. Ca. May 14, 2010).

26   Accordingly, Plaintiff's Request for Entry of Default [ECF No. 8] is DENIED.

27   _____

28   [1] Defendants are advised that they should file their motion for extension of time to respond
     separately from their notice of removal in the future.

1 Defendant's Motion for Extension of Time to Respond [ECF No. 1] is GRANTED.

2 Defendants shall respond to Plaintiff's Complaint not later than thirty days after the Court

3 enters its screening order, if any claims are found cognizable.

6 IT IS SO ORDERED.

7 Dated: July 15, 2010   /s/ *Michael J. Seng*
                                          UNITED STATES MAGISTRATE JUDGE