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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICKEY ADAMS,

Plaintiff,

v.

J. YATES, et al.,

Defendants.

CASE NO. 1:10-cv-671-AWI-MJS (PC)

ORDER DENYING REQUEST FOR AN
ENTRY OF DEFAULT

(ECF No. 21)

_____ /

Plaintiff Rickey Adams ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action in state court and it was removed to this Court by Defendants.

Plaintiff initiated this action in state court on August 13, 2009. (ECF No. 1.) Plaintiff served Defendants with a copy of the Summons and Complaint on March 16, 2010. (Id.) Defendants removed this action to this Court on April 15, 2010. (Id.) In their Notice of Removal, Defendants requested that the Court screen the Complaint under 28 U.S.C. § 1915(a), and Defendants requested thirty days to respond to the Complaint from the date of service of the screening order. (Id.) The Court granted the request, and gave Defendants thirty days from the date of service of the screening order to respond if any claims were found cognizable. (ECF No. 12.)

Plaintiff has now filed a second Request for an Entry of Default. (ECF No. 21.)

1 Plaintiff believes he is entitled to an Entry of Default because more than 20 days have
2 passed since Defendants were served with a copy of the Summons and Complaint and
3 Defendants have yet to file an answer or otherwise respond. (Id.) Plaintiff's Request for
4 an Entry of Default is now before the Court.

5 As the Court informed Plaintiff in his original Request for an Entry of Default (ECF
6 No. 8), default is inappropriate (ECF No. 12). Defendants' opposition to Plaintiff's previous
7 and current Requests for an Entry of Default indicate that Defendants intend to defend
8 against this action. Thus default is inappropriate. Even if the Court were to enter default,
9 it could easily be set aside. See Knox v. Woodford, 2010 WL 19567839, *1 (E.D. Ca. May
10 14, 2010).

11 Accordingly, Plaintiff's Request for an Entry of Default (ECF No. 21) is DENIED.

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15 IT IS SO ORDERED.

16 Dated: September 27, 2011

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE