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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BENNY FORD,)	Case No.: 1:10-cv-01024-SAB (PC)
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S REQUEST
)	FOR ENTRY OF DEFAULT
v.)	
)	[ECF No. 31]
G. WILDEY, et al.,)	
)	
Defendants.)	
)	
)	

Plaintiff Benny Ford is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On December 6, 2013, Plaintiff filed a request for entry of default judgment as to Defendant R. Marshall.

Entry of default is appropriate as to any party against whom a judgment for affirmative relief is sought that has failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure and where that fact is made to appear by affidavit or otherwise. Fed. R. Civ. P. 55(a). Plaintiff is advised that Defendant R. Marshal waived service on November 19, 2013, and he has sixty days thereafter, i.e. until January 21, 2014, within which to file a response. Accordingly, Plaintiff is not entitled to entry of default as to Defendant R. Marshall, and his motion must be denied.

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Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion seeking the entry of default, filed December 6, 2013, is DENIED.

IT IS SO ORDERED.

Dated: January 17, 2014


UNITED STATES MAGISTRATE JUDGE