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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GREGORIO FUNTANILLA, JR.,
Plaintiff,
v.
ROMAN W. WILLIAMS, et al.,
Defendants.

Case No. 1:10-cv-01624-DLB PC

**ORDER DIRECTING CLERK OF THE
COURT TO ENTER DEFAULT AGAINST
DEFENDANT ROMAN W. WILLIAMS**

ECF Nos. 39, 46

Plaintiff Gregorio Funtanilla, Jr. (“Plaintiff”) is a California state prisoner proceeding pro se in this civil action filed pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s First Amended Complaint against Defendants Williams, Manson, Lias, Gomez, Clark, Adams, Turner, Grannis, Santoro, and Ibarra for violation of the Free Exercise Clause of the First Amendment and the Religious Land Use and Institutionalized Persons Act of 2000. On April 26, 2012, Plaintiff filed the summons served on Defendant Williams. The summons was personally served on Defendant Roman W. Williams on April 12, 2012. ECF No. 39. Pursuant to Rule 12(a)(1) of the Federal Rules of Civil Procedure, Defendant Williams was required to respond or otherwise defend against the complaint within twenty-one days from the date of service of the summons and complaint. As of the date of this order, Defendant has not filed a responsive pleading or otherwise responded. On March 13, 2013, Plaintiff requested an entry of default against Defendant Williams. ECF No. 46. The matter is submitted pursuant to Local Rule 230(1).

1 “When a party against whom a judgment for affirmative relief is sought has failed to plead or
2 otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s
3 default.” Fed. R. Civ. P. 55(a). Here, the return of service indicates that Defendant Williams
4 received service of the complaint and summons, but has failed to file a responsive pleading.
5 Defendant Williams has thus failed to plead or otherwise defend in this action. Accordingly, the
6 Clerk of the Court is directed to enter default against Defendant Roman W. Williams.

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8 IT IS SO ORDERED.

9 Dated: March 25, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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