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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO ROSALES,

CASE NO. 1:10-cv-02402-GBC (PC)

Plaintiff,

ORDER DENYING REQUEST FOR ENTRY OF
DEFAULT

v.

J. WALKER, et al.,

(Doc. 8)

Defendants.

_____ /

ORDER

Plaintiff Francisco Rosales (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his complaint on December 28, 2010. (Doc. 1). On July 21, 2011, Plaintiff filed a document entitled “Motion of Default or Acquiescence.” (Doc. 8). The Court construes this filing as a request to enter default against the unserved defendants in this action.

The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court screens complaints in the order in which they are filed and strives to avoid delays whenever possible. However, there are hundreds of prisoner civil rights cases presently pending before the court, and delays are inevitable despite the Court’s best efforts.

The defendants are required to answer or otherwise defend against Plaintiff’s complaint only after they have been properly served. Fed. R. Civ. P. 12. The default provisions of Rule 55(a) are not implicated until after service has occurred. Service has not yet occurred in this action; therefore,

1 defendants in this action do not have to respond.

2 Accordingly, Plaintiff's request for entry of default is DENIED.

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4 IT IS SO ORDERED.

5 Dated: October 13, 2011


UNITED STATES MAGISTRATE JUDGE

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