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6	UNITED STATES DISTRICT COURT		
7	EASTERN DISTRICT OF CALIFORNIA		
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9	RICHARD CHARLES HANNA,	CASE NO. 1:12-cv-00501-AWI-SAB	
10	Plaintiff,	ORDER DENYING PLAINTIFF'S MOTION TO ORDER DEFENDANTS TO FILE	
11	V.	RESPONSIVE PLEADING	
12	MARIPOSA COUNTY SHERIFF DEPT., et al.,	(ECF No. 27)	
13	Defendants.		
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16	Plaintiff Richard Charles Hanna is appearing pro se and in forma pauperis in this civil rights		
17	action pursuant to 42 U.S.C. § 1983. Plaintiff's complaint was screened and found to state		
18	cognizable claims on June 25, 2012. (ECF No. 13.) On January 8, 2013, the United States Marshal		
19	was ordered to effect service of process on Defendants. (ECF No. 23.) On May 2, 2013, Plaintiff		
20	filed a motion for an order directing Defendants to file a responsive pleading or enter judgment in		
21	his favor. (ECF No. 27.)		
22	Entry of default is appropriate as to any party against whom a judgment for affirmative relief		
23	is sought that has failed to plead or otherwise defend as provided by the Federal Rules of Civil		
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Procedure and where that fact is made to appear by affidavit or otherwise. Fed. R. Civ. P. 55(a).
The court has issued an order directing the United States Marshal to *initiate* service on the
defendants in this action. Until the defendants have either waived service and failed to respond
within sixty days or been personally served and failed to respond within twenty days, they are not
in default and Plaintiff is not entitled to entry of default.

1	Upon inquiry, the United States Marshal has informed the Court that currently they are		
2	proceeding to personally serve the defendants in this action. Until such time as the defendants are		
3	served, no responsive pleading is due and the defendants are not in default. Accordingly,		
4	IT IS HEREBY ORDERED that Plaintiff's motion, filed May 2, 2013, is DENIED.		
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6	IT IS SO ORDE	RED.	C
7	Dated: _	May 6, 2013	UNITED STATES MAGISTRATE JUDGE
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