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

RICHARD CHARLES HANNA,	CASE NO. 1:12-cv-00501-AWI-SAB
Plaintiff,	ORDER DENYING PLAINTIFF’S MOTION TO ORDER DEFENDANTS TO FILE RESPONSIVE PLEADING
v.	
MARIPOSA COUNTY SHERIFF DEPT., et al.,	(ECF No. 27)
Defendants.	

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Plaintiff Richard Charles Hanna is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff’s complaint was screened and found to state cognizable claims on June 25, 2012. (ECF No. 13.) On January 8, 2013, the United States Marshal was ordered to effect service of process on Defendants. (ECF No. 23.) On May 2, 2013, Plaintiff filed a motion for an order directing Defendants to file a responsive pleading or enter judgment in his favor. (ECF No. 27.)

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). 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.

