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

RICHARD CHARLES HANNA,  
  
Plaintiff,  
  
v.  
  
MARIPOSA COUNTY SHERIFF DEPT.  
et al.,  
  
Defendants.

Case No. 1:12-cv-00501-AWI-SAB  
  
ORDER DISCHARGING ORDER TO SHOW  
CAUSE  
  
(ECF No. 36)

Plaintiff Richard Charles Hanna, a state prisoner proceeding pro se and in forma pauperis, filed this action on April 2, 2012. (ECF No. 1.) On August 23, 2013, the Court issued an order requiring Plaintiff to either show cause why this action should be dismissed for failure to prosecute or file a motion for default within thirty days. (ECF No. 36.) On September 6, 2013, Plaintiff filed a motion for entry of default. (ECF No. 37.)

Plaintiff requests entry of default and for the Court to enter default judgment pursuant to Federal Rule of Civil Procedure 55(b). (Motion for Entry of Default 2, ECF No. 37.) As explained in the order to show cause,

Pursuant to Federal Rules of Civil Procedure 55, obtaining a default judgment is a two step process. Yue v. Storage Technology Corp., No. 3:07-cv-05850, 2008 WL 361142, \*2 (N.D.Cal. Feb, 11, 2008). Entry of default is appropriate as to any party against whom a judgment for affirmative relief is sought that has failed to plead or

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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). After entry of default, the plaintiff can seek entry of default judgment. Fed. R. Civ. P. 55(b)(1) and (2).

(Order Requiring Plaintiff to Show Cause 2 n.1, ECF No. 36.)

The Clerk of the Court shall enter default against Defendants for their failure to appear in this action. However, Plaintiff is required to file a separate motion for entry of default judgment. Fed. R. Civ. P. 55(b). Additionally, because Plaintiff's damages are not "for a sum certain or a sum that can be made certain by computation," default judgment cannot be entered by the Clerk. Fed. R. Civ. P. 55(b)(1). Rather, Plaintiff must file a motion with the the court for entry of default judgment and will need to prove his damages. Fed. R. Civ. P. 55(b)(2).

Accordingly, the order to show cause filed August 23, 2013, is **HEREBY DISCHARGED** and the Clerk of the Court is **DIRECTED** to enter default against Defendants in this action.

IT IS SO ORDERED.

Dated: September 9, 2013

  
UNITED STATES MAGISTRATE JUDGE