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

COLUMBUS ALLEN, JR.)	Case No.: 1:13-cv-00012-AWI-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S REQUEST
v.)	FOR ENTRY OF DEFAULT
)	
STANISLAUS COUNTY, et al.,)	[ECF No. 47]
)	
Defendants.)	
)	
)	

Plaintiff Columbus Allen, Jr. is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On February 19, 2015, Plaintiff filed a request for entry of default, and Defendants filed a response on this same date.

Plaintiff’s request for entry of default must be denied. Pursuant to Rule 55 of the Federal Rules of Civil Procedure, 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).

On January 13, 2015, Defendants’ motion to dismiss was denied, and Defendants were directed to file a further response to the complaint within 30 days from the date of service of the order. (ECF No. 41.)

1 Defendants timely filed an answer on February 12, 2015, which is thirty days from the date of
2 the service of the January 13, 2015, order. (ECF No. 44.) The proof of service attached to the answer
3 reflects that Plaintiff was contemporaneously served on the same date via U.S. mail at his address of
4 record. (Id.)

5 Accordingly, Plaintiff's request for entry of default must be DENIED.

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7 IT IS SO ORDERED.

8 Dated: February 20, 2015



UNITED STATES MAGISTRATE JUDGE

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