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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
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7 OBIE LEE CRISP, III,
8 Plaintiff,
9 v.
10 WASCO STATE PRISON, et al.,
11 Defendants.
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1:13-cv-00816- EPG (PC)

ORDER DENYING PLAINTIFF’S MOTION
FOR DEFAULT JUDGMENT AND
MOTION TO LODGE RECORDS IN
SUPPORT OF MOTION FOR DEFAULT
JUDGMENT WITHOUT PREJUDICE
(ECF NOS. 39 & 40)

14 Obie Crisp, III (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*
15 in this civil rights action pursuant to 42 U.S.C. § 1983. On June 27, 2016, the Court screened
16 Plaintiff’s Third Amended Complaint, found a cognizable claim against defendant J. Cleveland,
17 and ordered that certain documents be sent to Plaintiff so that the Complaint could be served.
18 (ECF No. 36). Plaintiff submitted the necessary documents to the Court on July 26, 2016 (ECF
19 No. 37), and on July 29, 2016, the Court ordered the United States Marshal Service to serve the
20 Third Amended Complaint (ECF No. 38). On September 16, 2016, Plaintiff filed a motion for
21 default judgment (ECF No. 39), as well as a motion to lodge records in support of the motion
22 for default judgment (ECF No. 40).

23 Both the motion for default judgment and the motion to lodge records in support of the
24 motion for default judgment will be denied. Defendant J. Cleveland (the only remaining
25 defendant in this case) has not yet defaulted. Defendant J. Cleveland only recently returned the
26 Waiver of Service of Summons, and he has 60 days from September 19, 2016, to file an answer
27 or a motion under Federal Rule of Civil Procedure 12. (ECF No. 41).

28 Accordingly, IT IS ORDERED that Plaintiff’s motion for default judgment is denied

1 without prejudice.

2 IT IS FURTHER ORDERED that Plaintiff's motion to lodge records in support of his
3 motion for default judgment is denied without prejudice.

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5 IT IS SO ORDERED.

6 Dated: October 5, 2016

/s/ Eric P. Grogan
7 UNITED STATES MAGISTRATE JUDGE