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7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA
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10 MICHAEL KLEIN,

Case No. 1:13-cv-01677-SKO (PC)

11 Plaintiff,

ORDER DENYING MOTION FOR ENTRY
OF DEFAULT

12 v.

(Doc. 16)

13 B. MONTOKA, et al.,

14 Defendants.
15 _____/

16 Plaintiff Michael Klein ("Plaintiff"), a state prisoner proceeding pro se and in forma
17 pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 17, 2013. On
18 March 26, 2015, Plaintiff filed a motion seeking entry of default. Fed. R. Civ. P. 55. Defendants
19 Galvez and Montoya waived service of the summons and amended complaint, and filed a timely
20 answer on March 24, 2015. Fed. R. Civ. P. 4(d)(3), 12(a)(1)(A)(ii). (Docs. 13, 14.) Accordingly,
21 Plaintiff's request for entry of default is ORDERED DENIED.

22 IT IS SO ORDERED.
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24 Dated: April 7, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE
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