

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

10 MICHAEL KLEIN, Case No. 1:13-cv-01677-SKO (PC)

11 Plaintiff, ORDER DENYING MOTION FOR ENTRY  
12 v. OF DEFAULT  
13 B. MONTOYA, et al., (Doc. 16)  
14

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.

IT IS SO ORDERED

24 Dated: April 7, 2015

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE