UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KENNETH OLIVER,

          Plaintiff,

      v.

DARRYL ADAMS, et al.,

          Defendants.

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Case No.: 1:14-cv-00088-LJO-SAB (PC)

ORDER AS TO WHY ENTRY OF DEFAULT SHOULD NOT BE ENTERED AS TO DEFENDANT GRANNIS

[ECF No. 53]

Plaintiff Kenneth Oliver is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding Plaintiff's claim under the Religious Land Use and Institutionalized Persons Act against Defendants Cates, Adams, Davis, Fields, Smith, El-Amin, Grannis, Kostecky, and Does Four through Six; Plaintiff's claim under the First Amendment for violation of the Free Exercise of religion against Defendants Cate, Adams, Davis, Field, Smith, El-Amin, Grannis, Kostecky, and Does Four through Six; Plaintiff's claim under the First Amendment for violation of the Establishment Clause against Defendants Cate, Adams, Davis, Field, Smith, El-Amin, Grannis, Kostecky, Van Klaverer, and Does Four through Six; and Plaintiff's claim for violation of the Equal Protection Clause against Defendants Cates, Adams, Davis, Field, Smith, Van Klaverer, El-Amin, Grannis, Kostecky, and Does Four through Six.

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1   Despite filing a waiver of service of the summons and complaint on October 5, 2016,

2 Defendant Grannis has not filed a response to Plaintiff's complaint. (ECF No. 53.)

3   Rule 55(a) of the Federal Rules of Civil Procedure requires that the Clerk of the Court enter

4 default "when a party against whom a judgment for affirmative relief is sought has failed to plead or

5 otherwise defend, and that failure is shown by affidavit or otherwise." Fed. R. Civ. P. 55(a).

6   On this record it appears that entry of default is appropriate. Accordingly, within thirty (30)

7 days from the date of service of this order, Plaintiff shall indicate whether entry of default as to

8 Defendant Grannis is appropriate.

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10 IT IS SO ORDERED.

11 Dated: **December 23, 2016**

12   UNITED STATES MAGISTRATE JUDGE