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

TYRONE THOMPSON,	)	Case No.: 1:14-cv-01896-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER DENYING PLAINTIFF’S MOTION
v.	)	FOR ENTRY OF DEFAULT
	)	
VIDURRIA, et al.,	)	[ECF No. 17]
	)	
Defendants.	)	
	)	
	)	
	)	

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

This action is proceeding on Plaintiff’s claim of deliberate indifference in violation of the Eighth Amendment against Defendants Vidaurri and Martinez.

Now pending before the Court is Plaintiff’s request for entry of default, filed June 15, 2015. (ECF No. 17.)

The Court ordered service by the United States marshal on March 11, 2015, and both Defendants waived service on March 20, 2015, and a responsive pleading was due on or before May 19, 2015. (ECF No. 11.)

On May 19, 2015, Defendants filed a motion for an extension of time to respond to the complaint. (ECF No. 12.) The Court granted Defendants’ request and the time to file a responsive pleading was extended to June 2, 2015. (ECF No. 13.)

1 On June 2, 2015, Defendant Martinez filed a motion to dismiss, and Defendant Vidaurri filed  
2 an answer to the complaint. (ECF Nos. 14, 15.)

3 Rule 55(a) of the Federal Rules of Civil Procedure requires the Clerk of the Court to 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 Because Defendants filed a timely response to the complaint, Plaintiff’s request for entry of  
7 default must be DENIED.

8  
9 IT IS SO ORDERED.

10 Dated: June 16, 2015



11 UNITED STATES MAGISTRATE JUDGE