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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MONICO J. QUIROGA, III,
Plaintiff,
v.
AGUILARA, et al.
Defendants.

CASE NO. 1:15-cv-01202-LJO-MJS (PC)
**ORDER DENYING PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT**
(ECF No. 27)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action was dismissed with prejudice for failure to state a claim, and Plaintiff appealed. (ECF Nos. 23, 30.) Before the Court is Plaintiff's March 21, 2017 motion for default judgment. (ECF No. 27.)

Defendants were not served in this action and are not in default. Fed. R. Civ. P. 12(a)(1), 55(a). In any event, default judgment is not available to Plaintiff in this closed case.

Accordingly, Plaintiff's motion for default judgment is HEREBY DENIED.

IT IS SO ORDERED.

Dated: April 5, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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