

1 days after it was sent to a defendant outside any judicial district of the United States.” Fed. R. Civ. P.
2 12(a)(1)(A)(ii). Federal Rule of Civil Procedure 55(a) requires that the Clerk of the Court enter
3 default “when a party against whom a judgment for affirmative relief is sought has failed to plead or
4 otherwise defend, and that failure is shown by affidavit or otherwise.” Fed. R. Civ. P. 55(a).

5 Pursuant to Rule 12, Defendant had sixty days after the request for waiver was sent to file a
6 responsive pleading. The docket in this case reflects that the United States Marshal served Defendant
7 Shwe by mail on June 6, 2016. (ECF No. 16.) Shwe returned a waiver of service of summons form
8 on July 13, 2016. (Id.) The waiver is signed by James Walker, as attorney for Shwe and states that he
9 understands that judgment may be entered against him if he does not file an answer or motion under
10 Federal Rule of Civil Procedure 12 within sixty days of June 6, 2016. (Id.) Pursuant to Rule 12,
11 Defendant Shwe’s response pleading was due August 5, 2016. To date, no responsive pleading has
12 been filed, and Plaintiff’s motion for entry of default shall be granted.

13 Accordingly, it is HEREBY ORDERED that:

- 14 1. Plaintiff’s motion for entry of default against Defendant Shwe is GRANTED, and
- 15 2. The Clerk of Court is directed to enter default against Defendant Shwe.

16
17 IT IS SO ORDERED.

18 Dated: September 14, 2016



19 UNITED STATES MAGISTRATE JUDGE