

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

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

On September 18, 2017, Plaintiff filed a motion for entry of default as to Defendant Dr. Akanno. Plaintiff's motion must be denied.

Rule 55(a) of the Federal Rules of Civil Procedure requires the Clerk of the Court to enter default “when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise.” Fed. R. Civ. P. 55(a).

Inasmuch as Defendant Dr. Akanno filed a timely answer to the complaint on September 6, 2017, Plaintiff's motion for entry of default is denied as moot. (ECF Nos. 39, 44.)

IT IS SO ORDERED.

Dated: **September 21, 2017**

George A. Bae
UNITED STATES MAGISTRATE JUDGE