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

SHAUNTAE TAYLOR,  
Plaintiff,  
v.  
C/O J. GREGORY,  
Defendant.

Case No.: 1:16-cv-00698-LJO-SAB (PC)  
  
ORDER REQUIRING A RESPONSE TO  
PLAINTIFF’S REQUEST FOR ENTRY OF  
DEFAULT  
  
(ECF No. 44)

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

On September 18, 2017 a settlement conference was held in this matter before Magistrate Judge Barbara A. McAuliffe, at which this case settled. (ECF No. 32.) On September 20, 2017, a joint stipulation for dismissal with prejudice was filed, (ECF No. 34), and on September 21, 2017, this case was closed, (ECF No. 35).

Currently before the Court is Plaintiff’s request for entry of default, filed on March 16, 2018. (ECF No. 44.) In the request, Plaintiff asserts that he has not been properly paid the monetary portion of the settlement agreed upon by the parties.

Rule 55(a) of the Federal Rules of Civil Procedure requires that the Clerk of the Court enter default “[w]hen 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). Here, Defendant Gregory filed an answer in this action on March 21, 2017, (ECF No. 14), and as discussed above, this matter was later closed pursuant to a stipulation for voluntary dismissal, with prejudice,

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(ECF No. 34, 35). Nevertheless, the Court finds it appropriate to order a response to Plaintiff's assertions.

Accordingly, it is HEREBY ORDERED that Defendant Gregory shall file a response to Plaintiff's request for entry of default, (ECF No. 44), within **twenty-one (21) days** from the date of this order. Plaintiff's reply, if any, shall be filed within **fourteen (14) days** following service of a response.

IT IS SO ORDERED.

Dated: April 10, 2018



UNITED STATES MAGISTRATE JUDGE