



1 otherwise defend, and that failure is shown by affidavit or otherwise.” Fed. R. Civ. P. 55(a). There is  
2 no failure to defend in this action, and therefore Plaintiff’s request for entry of default shall be denied.

3 Further, according to Plaintiff’s reply, he seeks entry of default based on his current  
4 dissatisfaction with property he received as part of the settlement in this case. (ECF No. 47.)  
5 However, earlier in this case, defense counsel submitted documentation showing that Plaintiff agreed  
6 to accept the property, including a true copy of Plaintiff’s updated property card as of November 17,  
7 2017 denoting the items received and his signature accepting those items. (ECF No. 42.) Plaintiff has  
8 not refuted that he accepted the property.

9 Accordingly, Plaintiff’s request for entry of default, filed on March 16, 2018 (ECF No. 44) is  
10 HEREBY DENIED.

11  
12 IT IS SO ORDERED.

13 Dated: May 14, 2018



UNITED STATES MAGISTRATE JUDGE