

FILED

AUG 21 2017

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

1 TRAYVONE L. SMITH #609186
2 C.C.I 4A 2B #102
3 P.O Box 1902
4 TEHACHAPI, CA 93581

5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA

7 TRAYVONE L. SMITH
8 PLAINTIFF

CASE NO: 1:16-CV-01179-EPG

9 MOTION FOR DEFAULT
10 JUDGEMENT

11 EMMANUEL J. FANTONE,
12 JASWANT KHOKHAR
13 DEFENDANTS.

14
15 PLAINTIFFS MOVE THIS COURT FOR A
16 JUDGEMENT BY DEFAULT IN THIS ACTION, AND SHOW
17 THAT THE COMPLAINT IN THE ABOVE CASE WAS
18 FILED IN THIS COURT ON AUGUST 12, 2017; THE
19 SUMMONS AND COMPLAINT WERE DULY SERVED ON
20 THE DEFENDANTS, EMMANUEL J. FANTONE ON THE
21 DAY OF MAY 5, 2016 AND DEFENDANT JASWANT
22 KHOKHAR JULY 7, 2016. NO ANSWER OR OTHER
23 DEFENSE HAS BEEN FILED BY THE DEFENDANTS;
24 DEFAULT WAS ENTERED 91 DAYS AFTER THE SUMMONS
25 AND COMPLAINT WAS SERVED BY THE U.S MARSHALS.
26 NO PROCEEDINGS HAVE BEEN TAKEN BY THE
27 DEFENDANTS. SINCE THE U.S MARSHALS SERVED THE

1 SERVED DEFENDANTS WITH THE SUMMONS AND
2 COMPLAINT. DEFENDANTS ARE NOT IN MILITARY
3 SERVICE AND IS NOT AN INFANT OR INCOMPETENT
4 AS APPEARS IN THE DECLARATION OF TRAYVONEL
5 SMITH SUBMITTED HEREWITH.

6
7 WHEREFORE, PLAINTIFF MOVES THAT THIS
8 COURT MAKE AND ENTER A JUDGEMENT THAT
9 DEFENDANTS PAY \$25,000 IN BOTH OFFICIAL
10 AND INDIVIDUAL COMPACTY.

11 I DECLARE UNDER PENALTY OF
12 PERJURY THAT THE FOREGOING IS TRUE AND
13 CORRECT. EXECUTED AT TEHACHAPI, CA ON AUGUST
14 13, 2017.

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17 Trayvon Smith
18 C.C.I 4A25#102
19 P.O Box 1902
20 TEHACHAPI, CA 93581
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1 TRAYVONE L SMITH - 609186
2 C.C.I. 4-A 2B # 102
3 P.O BOX 1902
4 TEHACHAPI CA 93581

5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA

7 TRAYVONE L. SMITH
8 PLAINTIFF,
9
10 V.
11 EMMANUEL J. FANTONE,
12 JASWANT KHOKHAR
13 DEFENDANTS.

CASE NO. 1:16-CV-01179-EPG
DECLARATION FOR ENTRY
OF DEFAULT

14
15 I, TRAYVONE SMITH, HEREBY DECLARES:

16 I AM THE PLAINTIFF HEREIN. THE COMPLAINT HEREIN
17 WAS FILED ON THE 12TH OF AUGUST 2016.

18 THE COURT FILES AND RECORD HEREIN SHOW
19 THAT THE DEFENDANTS WERE SERVED BY THE
20 UNITED STATES MARSHALL WITH A COPY OF SUMMONS,
21 AND A COPY OF THE PLAINTIFFS' COMPLAINT ON THE
22 MAY 5, 2017, ON DEFENDANT EMMANUEL J. FANTONE,
23 AND JULY 7, 2017 ON DEFENDANT JASWANT KHOKHAR.

24 MORE THAN 20 DAYS HAVE ELAPSED SINCE
25 THE DATE ON WHICH THE DEFENDANTS HEREIN
26 WERE SERVED WITH SUMMONS AND A COPY OF
27 PLAINTIFFS' COMPLAINT, EXCLUDING THE DATE



1 THERE OF THE DEFENDANTS HAVE FAILED TO
2 ANSWER OR OTHERWISE DEFEND PLAINTIFFS
3 COMPLAINT, OR SERVE A COPY OF ANY ANSWER
4 OR ANY DEFENSE WHICH IT MIGHT HAVE
5 HAD, UPON AFFIANT OR ANY OTHER PLAINTIFF.

6 DEFENDANTS ARE NOT IN THE MILITARY
7 SERVICE AND ARE NOT INFANTS OR INCOMPET-
8 -ENTS.

9 I DECLARE UNDER PENALTY OF PERJURY THAT
10 THE FOREGOING IS TRUE AND ~~IS~~ CORRECT.
11 EXECUTED AT TEHACHAPI, CA. ON AUGUST 13,
12 2017.

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15 *Thayne Smith*
16 C.C.I 4A 2B-F102
17 P.O BOX 1902
18 TEHACHAPI, CA 93591
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PROOF OF SERVICE

I declare that I am a resident of or employed in the County of TEHACHAP, State of CALIFORNIA. I am over the age of 18 years. The name and address of my residence or business is CALIFORNIA CORRECTIONAL INSTITUTION, 4A 23 F102 P.O. Box 1902, TEHACHAP, CA 93591

On 8.16.2017, I served the MOTION FOR DEFAULT OF
(Date) (Description of document(s))

JUDGEMENT / DECLARATION FOR ENTRY OF DEFAULT
(Description of document(s) continued)

on the parties listed below (include name, address and, where applicable, fax number) by (check the applicable method or methods):

placing a true copy thereof enclosed in a sealed envelope for collection and delivery by the United States Postal Service or private delivery service following ordinary business practices with postage or other costs prepaid;

personal delivery;

facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).

(Include here the name, address and, where applicable, fax number of the Respondent and any other parties served.)
CLERK OF THE COURT
ROOM 1501
UNITED STATES DISTRICT COURT
EASTERN DISTRICT
2500 TULARE STREET
FRESNO, CA 93721

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on 8.16.2017, at TEHACHAP, C.A.
(Date) (City) (State)

TRAYONE SMITH
(Type or print name)

Trayone Smith
(Signature)