

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

JAMES MILLNER,  
Plaintiff,  
v.  
DR. WOODS, et al.,  
Defendants.

) Case No. 1:16-cv-01209-SAB-PC  
)  
) ORDER AS TO WHY ENTRY OF  
) DEFAULT SHOULD NOT BE ENTERED  
) AS TO DEFENDANT HASHEM  
)  
) [ECF No. 19]  
)  
) **THIRTY (30) DAY DEADLINE**  
)  
)

Plaintiff James Millner is proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Woods and Hashem, in their individual capacities, for deliberate indifference to a serious dental need in violation of the Eighth Amendment.

On September 5, 2017, Plaintiff filed proof of service of process of the summons and complaint on Defendant Hashem. Despite being served with process on August 3, 2017, Defendant Hashem has not filed a response to Plaintiff's first amended complaint. (ECF No. 19.)

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).

On this record it appears that entry of default is appropriate as to Defendant Hashem. Accordingly, within **thirty (30) days** from the date of service of this order, Plaintiff shall indicate whether entry of default as to Defendant Hashem is appropriate.

IT IS SO ORDERED.

Dated: October 27, 2017

  
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UNITED STATES MAGISTRATE JUDGE