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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 JOGERT ABRANTES,

12 Plaintiff,

13 v.

14 AMERICAN BLINDS AND DRAPERIES,
15 INC.,

16 Defendant.
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Case No. 1:17-cv-00152-AWI-SAB

ORDER REQUIRING PLAINTIFF TO FILE
NOTICE OF STATUS OF THIS ACTION
WITHIN FIVE DAYS

18 Plaintiff Jogert Abrantes filed a complaint against Defendant American Blinds and
19 Draperies, Inc. on February 3, 2017, alleging violations of the Telephone Consumer Protection
20 Act. On June 1, 2017, Plaintiff filed a proof of service showing that Defendant was served on
21 March 27, 2017. Pursuant to the Federal Rules of Civil Procedure, Defendant's responsive
22 pleading was due within 21 days after being served with the complaint. Fed. R. Civ. P. 12(a).
23 More than 21 days have passed, and Defendant has not served a responsive pleading nor have the
24 parties filed a stipulation to extend time for a responsive pleading to be filed.

25 The Federal Rules of Procedure provides that entry of default is appropriate as to any
26 party against whom a judgment for affirmative relief is sought that has failed to plead or
27 otherwise defend as provided by the Federal Rules of Civil Procedure and where that fact is
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1 made to appear by affidavit or otherwise. Fed. R. Civ. P. 55(a). Although Defendant has failed
2 to respond in this action, Plaintiff has not moved for entry of default.

3 Accordingly, IT IS HEREBY ORDERED that, within five (5) days from the date of entry
4 of this order, Plaintiff shall file a notice informing the Court of the status of this action.

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6 IT IS SO ORDERED.

7 Dated: June 5, 2017


UNITED STATES MAGISTRATE JUDGE