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

SOPHIA ELLIOTT, et al.,  
Plaintiffs,  
v.  
ROBERT ROSS, et al.,  
Defendants.

Case No. 1:17-cv-01214-LJO-SAB  
ORDER REQUIRING DEFENDANTS ROBERT  
ROSS AND PATRICK J. McCOMB TO SHOW  
CAUSE WHY DEFAULT SHOULD NOT BE  
ENTERED AGAINST THEM FOR FAILURE TO  
RESPOND TO THE FIRST AMENDED  
COMPLAINT  
(ECF No. 18)  
TEN DAY DEADLINE

On September 8, 2017, Defendants County of Fresno, Fresno County Sheriff's Department, and Deputy Andres Solis removed this action from the Fresno County Superior Court with the consent of Defendants Robert Ross and Patrick J. McComb. (ECF No. 1.) On November 27, 2017, Plaintiffs filed a first amended complaint against Defendants Deputy Andres Solis, County of Fresno, Robert Ross, and Patrick J. McComb dba as Drive America. (ECF No. 18.) On December 11, 2017, Defendants County of Fresno and Deputy Andres Solis filed an answer to the first amended complaint. (ECF No. 19.) Defendants Robert Ross and Patrick J. McComb have not filed an answer or otherwise responded to the first amended complaint.

Pursuant to Rule 12 of the Federal Rules of Civil Procedure a defendant must serve an answer within twenty-one days after being served with the complaint. Fed. R. Civ. P. 12(a)(1).

1 The Local Rules of the Eastern District of California provide that service via CM/ECF constitutes  
2 service pursuant to Fed. R. Civ. P. 5(b)(2)(E). L.R. 135(a). Accordingly, Defendants response to  
3 the complaint was due within twenty-one days of November 27, 2017.

4 Default can be entered against a party against whom affirmative relief is sought where the  
5 party has failed to defend. Fed. R. Civ. P. 55(a). Here, the time for Defendants Ross and  
6 McComb to respond to the complaint has passed and no responsive pleading has been filed.

7 Based on the foregoing, it is HEREBY ORDERED that within ten (10) days from the date  
8 of service of this order Defendants Robert Ross and Patrick J. McComb shall show cause why  
9 this Court should not order Plaintiffs to file a motion for entry of default.

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11 IT IS SO ORDERED.

12 Dated: December 27, 2017

  
UNITED STATES MAGISTRATE JUDGE

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