| (PC) Ashanti v. Tilton | | |
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| 8 | IN THE UNITED STATES DISTRICT COURT | |
| 9 | FOR THE EASTERN DISTRICT OF CALIFORNIA | |
| 10 | ASKIA S. ASHANTI, | |
| 11 | Plaintiff, | No. CIV S-07-0807 MCE GGH P |
| 12 | vs. | |
| 13 | JAMES E. TILTON, | |
| 14 | Defendant. | <u>ORDER</u> |
| 15 | / | |
| 16 | Plaintiff, a state prisoner proceeding pro se, seeks relief under 42 U.S.C. § 1983. | |
| 17 | On 4/03/09, plaintiff filed a request for entry of default for defendant's having putatively failed to | |
| 18 | file an answer as of 3/22/09; however a review of the case docket indicates that defendant | |
| 19 | Matthew Cate timely filed an answer to the second amended complaint on 3/20/09, pursuant to | |
| 20 | the court's order, filed on 3/02/09. Docket # 23 and # 26. The proof of service attached to | |
| 21 | defendant's answer also indicates that plaintiff was properly served with that document on | |
| 22 | 3/20/09. Plaintiff's request appears to be baseless and will be denied. | |
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Doc. 33

Accordingly, IT IS HEREBY ORDERED that plaintiff's inapposite and meritless request for an entry of default, filed on 4/03/09 (docket #31), is denied. DATED: April 13, 2009 /s/ Gregory G. Hollows UNITED STATES MAGISTRATE JUDGE GGH:009 asha0807.vac