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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ASKIA S. ASHANTI,

Plaintiff,

No. CIV S-07-0807 MCE GGH P

vs.

JAMES E. TILTON,

Defendant.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, seeks relief under 42 U.S.C. § 1983.

On 4/03/09, plaintiff filed a request for entry of default for defendant's having putatively failed to file an answer as of 3/22/09; however a review of the case docket indicates that defendant Matthew Cate timely filed an answer to the second amended complaint on 3/20/09, pursuant to the court's order, filed on 3/02/09. Docket # 23 and # 26. The proof of service attached to defendant's answer also indicates that plaintiff was properly served with that document on 3/20/09. Plaintiff's request appears to be baseless and will be denied.

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