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

MICHAEL A. HUNT

Plaintiff,

No. CIV S-08-0181 MCE CMK (TEMP) P

vs.

M. REYES, et al

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se and inform a pauperis with an action under 42 U.S.C. § 1983. On December 6, 2010, the court issued an order granting plaintiff's motion to amend his complaint and stating that his second amended complaint was deemed filed as of May 21, 2010. See Order (Docket No. 38). Defendants have not responded to the second amended complaint.

Under Fed.R.Civ.P. 15(a)(3), a defendant has fourteen days after service in which to respond to an amended complaint. Failure to respond to an amended complaint subjects a defendant to an entry of default under Fed.R.Civ.P. 55(a). See Mullins v. Wenciker, 2009 WL 4507706, *1 (E.D.Cal.)(referencing the court's previous order striking defendant's untimely answer to the second amended complaint); Parise v. Riccelli Haulers, Inc., 672 F.Supp. 72, 74 (N.D.N.Y. 1987)(granting default judgment against defendant who answered original complaint but failed to answer or otherwise respond to amended complaint).

1 Over three months has passed since the court ordered that plaintiff's second
2 amended complaint was deemed filed, yet defendants Rios and Fields have not answered or
3 otherwise responded to the second amended complaint. Therefore the court will order an entry
4 of default.

5 IT IS HEREBY ORDERED that the Clerk of Court make an entry of default
6 against defendants Rios and Fields.

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8 DATED: March 14, 2011

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10 **CRAIG M. KELLISON**
11 UNITED STATES MAGISTRATE JUDGE
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