

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

CURTIS HIGHTOWER,

Plaintiff,

No. CIV S-08-0228 EFB P

vs.

W. PATTON,

Defendant.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On December 9, 2010, defendant Patton was personally served. *See* Dckt. No. 45.

Federal Rule of Civil Procedure 55 states:

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

A defendant must serve a responsive pleading within 21 days of being served with the summons and complaint. Fed. R. Civ. P. 12(a). Although defendant was served months ago, he has not filed a responsive pleading to the complaint.

///

///

1 Accordingly, it is hereby ORDERED that:

2 1. Within 21 days of the date of this order, defendant shall show cause why default
3 should not be entered against him; and

4 2. The Clerk is directed to serve a copy of this order on Monica Anderson, Supervising
5 Deputy Attorney General.

6 Dated: March 8, 2011.

7 
8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26