

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

RICARDO VALDEZ,)	Case No. 2:08-cv-1978 DAE
)	
Plaintiff,)	
)	
vs.)	
)	
CORRECTIONAL OFFICERS)	
WALKER, GUFFEE, and VORON,)	
et al.,)	
)	
Defendants.)	
_____)	

ORDER DENYING PLAINTIFF’S MOTION FOR DEFAULT JUDGMENT

On March 2, 2010, Plaintiff filed the instant Motion to Dismiss. (“Mot.,” Doc. # 18.) Plaintiff’s Motion is based upon Defendants alleged failure to reply to Plaintiff’s Complaint within the time provided by Federal Rule of Civil Procedure 12(a) and alleged failure to file a motion for an extension of time in which to respond. (See Mot. at 3.) On February 26, 2010, Defendants filed a Motion for a 45-Day Extension of Time to file a responsive pleading. (Doc. # 16.) On March 1, 2010, this Court granted Defendants’ motion for a forty-five day extension of time to file a responsive pleading to the Amended Complaint. (Doc. # 17.) After reviewing Plaintiff’s Motion and the supporting memoranda, it appears to the Court that Plaintiff has not yet received notice of Defendant’s motion for an

extension or this Court's order granting such extension. By order of this Court, Defendants have until April 22, 2010 to file a reply. Accordingly, the Court **DENIES** Plaintiff's Motion for Default Judgment.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, March 3, 2010.





David Alan Ezra
United States District Judge

Valdez v. Correctional Officers Walker, et al., Case No. 2:08-cv-1978 DAE;
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