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

MICHEAL SMITH,

Plaintiff,

No. 2:08-cv-2492-LKK-JFM (PC)

vs.

SGT. R. STOVALL, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed two documents styled as motions for default judgment against defendants. On July 20, 2009, defendants timely filed a motion for an extension of time to respond to plaintiff's complaint. By order filed July 29, 2009, defendants' motion for an extension of time was granted and defendants were granted until August 20, 2009 to file and serve their response. Defendants are not in default, cf. Fed. R. Civ. P. 55(a), and plaintiff's motions will be denied.

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In accordance with the above, IT IS HEREBY ORDERED that plaintiff's July 31,  
2009 and August 3, 2009 motions for default judgment are denied.  
DATED: August 11, 2009.

  
UNITED STATES MAGISTRATE JUDGE

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