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

MICHAEL AARON JAYNE,)	Case No. 2:08-cv-2767-MSB
Plaintiff,)	ORDER
vs.)	
TOM BOSENKO, <i>et al.</i> ,)	
Defendants.)	

Plaintiff Michael Aaron Jayne, who is currently confined in the Shasta County Jail in Redding, CA, is proceeding pro se and in forma pauperis. Jayne seeks relief pursuant to 42 U.S.C. § 1983.

On April 6, 2010, the Court ordered the U.S. Marshal to serve the screened complaint on the defendants. (Dkt. #28). Defendants Abney and Johnson waived service of process and answered the Complaint on June 11, 2010. (Dkt. #s 30–33). Jayne filed a motion for default judgment against the remaining defendants—Defendants Bosenko, Anderson, Van Buskirk, Ashmun, Champagne, Gonzalez, Heyde, Joiner, Meek, Mitchell, and Penland—on June 23, 2010. (Dkt. #35). Those defendants answered the complaint on July 7, 2010. (Dkt. #39). Because Defendants Bosenko, Anderson, Van Buskirk, Ashmun, Champagne, Gonzalez, Heyde, Joiner, Meek, Mitchell, and Penland did not waive service of process, at the time Plaintiff filed his motion for default judgment the time had not run under the Federal

1 Rules of Civil Procedure for the defendants to file a responsive pleading. *See* FED. R. CIV.
2 P. 12(a).

3 **Accordingly,**

4 **IT IS HEREBY ORDERED** that:

5 1. Plaintiff's Motion for Default Judgment (Dkt. #35) is **denied**.

6 2. As directed in this Court's April 4, 2010 order (Dkt. #28 at 3, ¶6), Defendants shall
7 file a joint response to Plaintiff's Emergency Motion for Temporary Injunction (Dkt. #27)
8 no later than **July 26, 2010**. Defendants shall also respond in the same pleading to Plaintiff's
9 Motion for Temporary Restraining Order (Dkt. #29) and Motion for Immediate Injunction
10 (Dkt. #34).

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12 DATED this 8th day of July, 2010.

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/s/ Marsha S. Berzon
MARSHA S. BERZON
United States Circuit Judge, sitting by designation

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