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

AMILCAR GUEVARA,

Plaintiff,

No. 2:09-cv-1132 FCD KJN P

vs.

A. RALLS, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel with a civil right action pursuant to 42 U.S.C. § 1983. On September 13, 2010, plaintiff filed a motion to order defendant A. Ralls to file an answer or enter default against him for his failure to timely respond. On September 29, 2010, counsel for defendants Macarvel, Ramirez, and Scruggs, making a limited appearance on behalf of defendant Ralls, filed a request for extension of time to respond to the complaint and to plaintiff's September 13, 2010 motion for entry of default. Defendant Ralls seeks additional time to secure representation in defense of the instant action.

Good cause appearing, counsel's request for extension of time for defendant Ralls to respond to the complaint will be granted. Plaintiff's September 13, 2010 motion will be partially granted in that defendant Ralls will be directed to respond. In light of these orders, counsel's request for an extension of time to respond to plaintiff's September 13, 2010 motion

1 for default will be denied, and plaintiff's alternative motion for default will also be denied.

2 Counsel for defendants will be directed to serve a copy of this order on defendant Ralls.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Counsel's September 29, 2010 motion for extension of time for defendant A.  
5 Ralls to respond to the complaint is granted; defendant Ralls is granted thirty days from the date  
6 of this order in which to respond to the complaint.

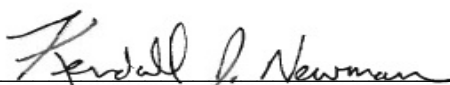
7 2. Plaintiff's September 13, 2010 motion to order defendant A. Ralls to file an  
8 answer (dkt. no. 84) is partially granted;

9 3. Plaintiff's September 13, 2010 motion for default is denied without prejudice;

10 4. Counsel's September 29, 2010 motion for extension of time to respond to  
11 plaintiff's motion for default (dkt. no. 86) is denied; and

12 5. Counsel for defendants is directed to serve a copy of this order on defendant A.  
13 Ralls.

14 DATED: September 29, 2010

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18 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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