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

AMILCAR GUEVARA,

Plaintiff,

No. 2:09-cv-1132 KJN P

vs.

A. RALLS, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel. On January 6, 2011, plaintiff filed a motion to execute default judgment against defendant A. Ralls. On November 12, 2010, defendant Ralls was ordered to show cause why default should not be entered.

On December 1, 2010, defendant Ralls filed an answer. This filing was timely pursuant to this court's November 12, 2010 order. Therefore, entry of default is inappropriate.

Accordingly, IT IS HEREBY ORDERED that:

1. The November 12, 2010 order to show cause is discharged; and
2. Plaintiff's January 6, 2011 motion to execute default judgment is denied.

DATED: January 11, 2011

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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