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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	ROMESH KANDA,
11	Plaintiff, No. CIV S-09-2197 MCE GGH P
12	VS.
13	JAMES WALKER, et al.,
14	Defendants. <u>ORDER</u>
15	/
16	On October 23, 2009, the undersigned recommended that plaintiff's unopposed
17	motion for injunctive relief be granted. On November 12, 2009, defendants filed objections to
18	the findings and recommendations. Defendants state that no opposition was filed due to reasons
19	related to the state budget crisis. Good cause appearing, the findings and recommendations are
20	vacated and defendants' objections are construed as an opposition to plaintiff's motion. Plaintiff
21	is granted twenty-one days from the date of this order to file a response to defendants'
22	opposition.
23	On October 7, 2009, plaintiff filed a motion for default judgment. Plaintiff
24	requests that judgment be entered based on defendants' failure to file an opposition to his motion
25	for injunctive relief.
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1	Entry of default is not appropriate based on defendants' failure to respond to
2	plaintiff's motion for injunctive relief. See Fed. R. Civ. P. 55. On November 20, 2009,
3	defendants filed a timely answer to the complaint. Accordingly, the motion for default is denied.
4	Accordingly, IT IS HEREBY ORDERED that:
5	1. Plaintiff's motion for default judgment (no. 15) is denied;
6	2. The October 23, 2009, findings and recommendations (no. 17) are vacated;
7	3. Defendants' objections (no. 18) are construed as an opposition to plaintiff's
8	motion for injunctive relief; plaintiff is granted twenty-one days from the date of this order to file
9	a response to defendants' opposition.
10	DATED: December 1, 2009
11	/s/ Gregory G. Hollows
12	UNITED STATES MAGISTRATE JUDGE
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