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

ULF CARLSSON,

Plaintiff,

No. CIV S-10-0774 FCD KJM

vs.

PETER J. MCBRIEN,

Defendant.

ORDER

_____/

Plaintiff is proceeding pro se with an action against defendant for damages under 42 U.S.C. §§ 1983 and 1988 and declaratory judgment pursuant to 28 U.S.C. § 2201, et seq. The court held a status conference on July 28, 2010. Plaintiff appeared in propria persona, but neither the defendant nor any counsel on his behalf appeared.

Plaintiff has successfully completed substituted service in accordance with California Code of Civil Procedure § 415.20(b), which is applicable in this court under Federal Rule of Civil Procedure 4(e)(1). See Bonita Packing Co. v. O’Sullivan, 165 F.R.D. 610 (C.D.Cal.1995). Federal Rule of Civil Procedure 12(a)(1)(A)(i) allows twenty-one days for the filing of an answer after being served with a summons and complaint. Because defendant in this case has not answered or otherwise appeared since being served, the court will direct the Clerk of Court to enter default against him. Fed. R. Civ. P. 55(a).

1 IT IS HEREBY ORDERED that:

2 1. The Clerk of Court enter default against defendant.

3 2. Plaintiff has sixty days from the entry of this order in which to file a motion
4 for default judgment.

5 3. If the case proceeds after the sixty day period set in number 2 above, initial
6 disclosures under Federal Rule of Civil Procedure 26(a)(1) shall be made within ninety days of
7 entry of this order.

8 4. Discovery, including the hearing of discovery motions, shall be completed by
9 December 3, 2010. Discovery motions, if needed, shall be filed in accordance with Local Rule
10 37-251.

11 5. Dispositive motions, other than discovery motions, shall be noticed to be
12 heard by February 25, 2011.

13 6. The pretrial conference is set for June 10, 2011, at 9:00 a.m. in Courtroom No.
14 2, before U.S. Senior District Judge Frank C. Damrell. Pretrial statements shall be filed in
15 accordance with Local Rule 16-281.

16 7. Trial of this matter is set for September 13, 2011, at 9:00 a.m. in Courtroom
17 No. 2, before U.S. Senior District Judge Frank C. Damrell. The parties shall file trial briefs in
18 accordance with Local Rule 16-285.

19 DATED: August 12, 2010.

20 
21 U.S. MAGISTRATE JUDGE

21 carl0774.oas