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

MICHAEL CHESS,

Plaintiff,

No. 2: 10-cv-1261 LKK KJN P

vs.

TOM FELKER, et al.,

Defendants.

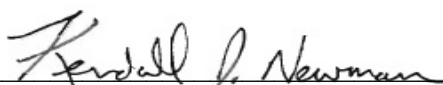
ORDER

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On September 27, 2010, plaintiff filed a motion for default judgment. This motion is construed as a motion for entry of default. See Fed. R. Civ. P. 55. Plaintiff alleges that defendants have not answered his complaint despite having had a “reasonable” time to do so.

On July 28, 2010, the undersigned ordered the U.S. Marshal to serve defendants. The U.S. Marshal has since informed the court that defendants’ waivers of service are not due until October 11, 2010. For that reason, plaintiff’s motion for default is denied as premature.

DATED: October 5, 2010

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE