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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

_____/

Pending before the undersigned is plaintiff's November 12, 2010 motion for entry of default against defendant Phillips. Plaintiff claims that defendant Phillips is the only defendant who failed to answer his complaint.

On October 8, 2010, defendants filed an answer on behalf of defendants Felker, Gower, Grannis, Quezada and Phillips. Because defendant Phillips answered the complaint, the motion for entry of default is denied.

Accordingly, IT IS HEREBY ORDERED that plaintiff's November 12, 2010 motion for entry of default (Dkt. No. 28) is denied.

DATED: December 30, 2010


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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