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

HARRISON L. BURTON,

Plaintiff,

No. 2:10-cv-1980-JAM-JFM (PC)

vs.

WARDEN MCDONALD, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On December 19, 2011, plaintiff filed a motion for entry of default against defendants. Court records reflect that waivers of service were executed on behalf of all three defendants on December 12, 2011. See Docket No. 54. Defendants' response to the complain is therefore due sixty days from the date the request for waiver was sent, see Fed. R. Civ. P. 4(d)(3), which in this case was November 17, 2011. See Docket No. 54. Plaintiff's motion for entry of default is premature and will therefore be denied.

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In accordance with the above, IT IS HEREBY ORDERED that plaintiff's
December 19, 2011 motion for entry of default is denied.
DATED: January 3, 2012.


UNITED STATES MAGISTRATE JUDGE

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