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

JAMAAL THOMAS,

Plaintiff,

No. CIV S-11-1138 MCE EFB P

vs.

ANTIPOV, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On May 7, 2012, plaintiff requested that default be entered against defendant Antipov. Dckt. No. 46. Federal Rule of Civil Procedure 55(a) states that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend . . . the clerk must enter the party’s default.” Fed. R. Civ. P. 55(a). Defendant Antipov served an answer on January 31, 2012 and has not “failed to plead or otherwise defend.” Dckt. No. 24. Moreover, plaintiff filed an amended complaint on March 12, 2012, and the court extended the time by which Antipov must respond to that complaint.¹ Dckt. Nos. 31, 38. Plaintiff has not shown he is entitled to entry of default.

¹ Since then, plaintiff has filed a second amended complaint which seeks to add “Dr. Maciel” as a defendant. *See* Dckt. Nos. 44, 45.

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Accordingly, plaintiff's request, Dckt. No. 46, is denied.

Dated: May 18, 2012.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE