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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDDIE L. PITTS,
Plaintiff,
v.
C. DAVIS, et al.,
Defendants.

No. 2:12-cv-0823 AC P

ORDER

By Order filed on July 24, 2013 (ECF No. 40), defendant Froland was ordered to show cause within fourteen days why she should not be found to be in default and judgment entered against her. Defendant Froland had signed a waiver of service of summons that was filed on February 19, 2013. ECF No. 25. However, no response to the complaint on her behalf had thereafter been forthcoming.

In a timely response to the show cause order, defendant Froland, who is not a CDCR¹ employee, has submitted a declaration indicating it was her confusion, lack of experience with litigation, and reliance on inexpert advice which led to her failure to respond in an appropriate and timely fashion to the complaint. See ECF No. 41. Defendant Froland now seeks to be allowed to respond to the complaint and to proceed in this action. She seeks a fourteen-day

¹ California Department of Corrections and Rehabilitation.

1 extension of time to file a response.

2 The court finds that defendant's failure to respond does not by any means amount to "a
3 devious, deliberate, willful, or bad faith failure to respond." TCI Grp. Life Ins. Plan v. Knoebber,
4 244 F.3d 691, 698 (9th Cir. 2001). Although defendant's reliance on the misguided opinion of a
5 colleague was ill-advised, the court will excuse the error and deem the show cause order
6 discharged.

7 Accordingly, IT IS ORDERED that:

8 1. By her timely response (ECF No. 41), defendant Froland has discharged the show
9 cause order at ECF No. 40;

10 2. Defendant Froland must file her response to the complaint within fourteen days of the
11 date of this order in order not to be found to be in default.

12 DATED: August 7, 2013

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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE

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