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

DANNY RAY GARCIA,

No. 2:14-CV-0093-CMK-P

Plaintiff,

vs.

ORDER

TSENG,

Defendant.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion (Doc. 11) entitled “Motion for Default Request for Entry of Default Judgment.” Because the docket does not reflect entry of default by the Clerk of the Court, plaintiff’s motion is construed as a request for entry of default pursuant to Federal Rule of Civil Procedure 55(a). So construed, the request will be denied because there is no evidence before the court establishing that defendant has been served with the summons and complaint.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion (Doc. 11) is
2 construed as a request for entry of default and, so construed, the request is denied.
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4 DATED: May 21, 2015

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6 **CRAIG M. KELLISON**
7 UNITED STATES MAGISTRATE JUDGE
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