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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD GIDDENS,
Plaintiffs,
v.
CITY OF SUISUN, et al.,
Defendants.

No. 2:14-cv-00943-TLN-AC

ORDER

This matter is before the court on plaintiff’s motion for default judgment against defendant Brandon Bluford in this multi-defendant case. ECF No. 98. Plaintiff is proceeding in this matter pro se, and accordingly this motion was referred pursuant to Local Rule 302(c)(21). For the following reasons, plaintiff’s motion for default judgment is DENIED without prejudice.

I. RELEVANT FACTUAL AND PROCEDURAL HISTORY

Plaintiff filed his complaint on April 17, 2014, alleging multiple causes of action against several defendants. ECF No. 1. Plaintiff’s second amended complaint (“SAC”) was adopted by this court as the operative complaint. ECF No. 44. The SAC alleges ongoing hostility by defendants against plaintiff, an illegal arrest, assault and battery, false prosecution, and both intentional and negligent infliction of emotional distress. ECF No. 39 at 2.48.

In relevant part, plaintiff asserts that defendant Bluford has filed numerous wrongful complaints against plaintiff with the police department. ECF No. 39 at 5. Plaintiff alleges that on April 18, 2012, plaintiff was pulling out of his driveway while Bluford and other neighbors were

1 in the street playing basketball. Id. Plaintiff alleges he left the neighborhood without incident
2 and went directly to the Suisun Crime Conference. Id. at 6. According to plaintiff, 15 minutes
3 later, Bluford called the police department and falsely reported that plaintiff attempted to hit
4 Bluford with his car. Id.

5 Plaintiff participated in the Conference, and when it was adjourned he spoke to a media
6 personality from a local television station. Id. Plaintiff alleges that, during this time, he was
7 confronted by police officer defendants Tim Mattos and Michael Urlaub. Id. at 6. Plaintiff
8 alleges Mattos and Urlaub subsequently assaulted him and wrongfully arrested him. Id. at 7.
9 Plaintiff filed suit against multiple defendants, including Bluford. ECF No. 1.

10 **II. THE MOTION**

11 Plaintiff moves for default judgment against defendant Bluford. ECF No. 98. A
12 summons was served on Bluford on December 26, 2014. ECF No. 51. Bluford has not appeared
13 in this action. The clerk entered default against Mr. Bluford on July 11, 2017. ECF No. 94.

14 **III. ANALYSIS**

15 Default judgment against Bluford is not appropriate at this juncture in this multi-defendant
16 case. “When a party against whom a judgment for affirmative relief is sought has failed to plead
17 or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the
18 party’s default.” Fed. R. Civ. P. 55(a). After default is entered, unless the plaintiff’s claim is for
19 a sum certain, the plaintiff must apply to the court for entry of default judgment. Fed. R. Civ. P.
20 55(b)(2). In an action with multiple defendants, entry of default judgment must comply with Fed.
21 R. Civ. P. 54, which states:

22 When an action presents more than one claim for relief -- whether as a claim,
23 counterclaim, crossclaim, or third-party claim -- or when multiple parties are
24 involved, the court may direct entry of a final judgment as to one or more, but
25 fewer than all, claims or *parties only if the court expressly determines that there is*
26 *no just reason for delay.* Otherwise, any order or other decision, however
27 designated, that adjudicates fewer than all the claims or the rights and liabilities of
28 fewer than all the parties does not end the action as to any of the claims or parties
and may be revised at any time before the entry of a judgment adjudicating all the
claims and all the parties’ rights and liabilities.

(emphasis added).

