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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD GIDDENS,
Plaintiff,
v.
SUISUN CITY, et al.,
Defendants.

No. 2:14-cv-0943 AC TLN (PS)

ORDER

Plaintiff is proceeding pro se in this case. The case was accordingly referred to the undersigned by E.D. Cal. R. (“Local Rule”) 302(c)(21). Plaintiff has filed a second “Motion for Default Judgment” against Brandon Jamal Bluford. ECF No. 67; see ECF No. 52.

Plaintiff’s motion is defective, because it was not preceded by the entry of a “default” by the Clerk of the Court pursuant to Fed. R. Civ. P. 55(a). The court advised plaintiff of this same defect when he filed his first motion for default judgment. See ECF No. 53. Plaintiff should not file another motion for default judgment unless and until the Clerk of the Court has entered a “default.” Fed. R. Civ. P. 55(a), (b)(2); see Eitel v. McCool, 782 F.2d 1470, 1471 (9th Cir. 1986) (distinguishing Clerk’s entry of default under Rule 55(a) from court’s entry of default judgment under Rule 55(b)).

Accordingly, IT IS HEREBY ORDERED that

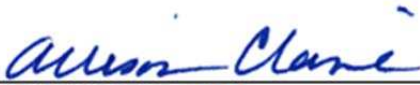
- 1. Plaintiff’s second Motion for Default Judgment (ECF No. 67), is DENIED without

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prejudice to its renewal in proper form; and

2. The hearing on this motion, currently scheduled for February 1, 2017, is VACATED.

DATED: January 27, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE