

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HELEN WHELAN.

No. 2:14-cv-1096 TLN CKD PS

Plaintiff,

V.

ORDER

MEGAN BRENNAN,

Defendant.

Plaintiff has filed a motion for default judgment.¹ Plaintiff contends that defendant filed an untimely answer. Although plaintiff asserts that defendant was served electronically on May 5, 2014, plaintiff has not provided evidence of when the defendant was properly served with summons in compliance with Federal Rule of Civil Procedure 4. Moreover, defendant filed a motion to dismiss, which was granted by the District Judge on November 18, 2014. Defendant hereafter filed an answer on February 11, 2015. Under these circumstances, entry of default judgment is inappropriate.

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¹ Plaintiff is reminded that this matter is set for status conference on March 11, 2015 at 10:00 a.m. in courtroom no. 24. Scheduling of this action will take place at that time. Status reports are due no later than March 4, 2015.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for default judgment
2 (ECF No. 38) is denied.

3 Dated: March 4, 2015

Carolyn K. Delaney

4 CAROLYN K. DELANEY
5 UNITED STATES MAGISTRATE JUDGE

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