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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,
Plaintiff,
v.
KAMAL THOMAS & LILLY THOMAS,
Defendants.

No. 2:14-cv-1352-MCE-KJN

ORDER

Presently pending before the court is plaintiff Scott Johnson’s motion for default judgment against defendants Kamal Thomas and Lilly Thomas (ECF No. 10), which was filed on August 11, 2014, after the Clerk of Court entered defendants’ default on July 21, 2014. (ECF Nos. 8, 9.) However, on August 28, 2014, after the filing of the motion for default judgment, defendants filed an answer to plaintiff’s complaint. (ECF No. 11.) Accordingly, on September 5, 2014, the court issued a minute order requiring plaintiff to file, no later than September 12, 2014, a statement indicating whether, in light of the filing of defendants’ answer, plaintiff had any opposition to setting aside the Clerk of Court’s entry of default against defendants and denying without prejudice the pending motion for default judgment. (ECF No. 12.) Thereafter, on September 8, 2014, plaintiff filed a statement of non-opposition in response to the court’s minute order. (ECF No. 13.)

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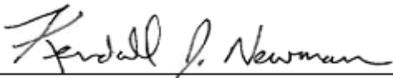
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Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of Court shall vacate the entries of default (ECF Nos. 8, 9) against defendants Kamal Thomas and Lilly Thomas.
2. Plaintiff's motion for default judgment (ECF No. 10) is denied without prejudice, and the September 25, 2014 hearing thereon is vacated.

IT IS SO ORDERED.

Dated: September 9, 2014


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE