

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DELBERT RONDEL GARDNER,

Plaintiff,

v.

CDCR, et al.,

Defendants.

No. 2:17-cv-1921 JAM AC P

ORDER

On September 29, 2018,¹ plaintiff filed a motion for default judgment. ECF No. 42. However, this civil rights action was closed on October 3, 2018, after the second amended complaint was dismissed without leave to amend. ECF No. 40. Because the court did not order the defendants to be served, no defendants are in default.

Accordingly, IT IS HEREBY ORDERED that the motion for default judgment (ECF No. 42) is denied.

DATED: October 18, 2018


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

¹ Since plaintiff is a prisoner proceeding pro se, he is afforded the benefit of the prison mailbox rule. Houston v. Lack, 487 U.S. 266, 276 (1988).