

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

MICHAEL C. SCHOOL,
Plaintiff,
v.
BICE, et al.,
Defendants.

No. 2:17-cv-02156 JAM CKD (PS)

ORDER

Defendants’ amended motion to dismiss the instant action is set for hearing February 14, 2018. Before the court are three pending motions by plaintiff.

On November 27, 2017, plaintiff filed a motion for default judgment, alleging that defendants failed to timely respond to the complaint. (ECF No. 7.) Defendants oppose the motion, noting that they filed a responsive pleading in the form of a motion to dismiss on November 13, 2017. (ECF No. 9.) Defendants further argue that plaintiff’s motion fails to meet the requirements for default judgments set forth in Federal Rule of Civil Procedure 55(b)(1) or (2). Because plaintiff has not shown entitlement to a default judgment under the relevant federal rules, the court will deny this motion.

Also on November 27, 2017, plaintiff filed a “motion to strike,” arguing that “the State Attorney General’s Office cannot represent the 4 named Defendants” due to a conflict of interest with the court, a federal agency. (ECF No. 8.) This motion is frivolous and will also be denied.

1 On December 14, 2017, plaintiff filed a motion seeking an order deeming certain facts
2 true and imposing monetary sanctions. (ECF No. 11.) This motion is also frivolous and will be
3 denied.

4 Plaintiff's filing of frivolous motions is a burden on this court and impedes the proper
5 prosecution of this action. If plaintiff continues to file frivolous motions, the court will issue an
6 order limiting plaintiff to filing certain documents, such as one non-dispositive motion pending at
7 any time.

8 Accordingly, IT IS HEREBY ORDERED THAT:

- 9 1. Plaintiff's motion for default judgment (ECF No. 7) is denied;
- 10 2. Plaintiff's motion to strike (ECF No. 8) is denied; and
- 11 3. Plaintiff's motion for an order (ECF No. 11) is denied.

12 Dated: February 12, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

13
14
15
16
17
18 2/school2156.order
19
20
21
22
23
24
25
26
27
28