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28IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TIERA MANNING,

Plaintiff,

v.

AIS SERVICES,

Defendant

No. C 10-2209 MMC

**ORDER EXTENDING DEADLINE TO  
SHOW CAUSE WHY ACTION SHOULD  
NOT BE DISMISSED; DENYING ENTRY  
OF DEFAULT JUDGMENT**

On September 7, 2010, the Court issued an Order to Show Cause (“OSC”) directing plaintiff Tiera Manning to show cause, in writing and no later than September 21, 2010, why the above-titled action should not be dismissed in light of plaintiff’s failure to appear as ordered at the Case Management Conference scheduled for September 3, 2010.

On September 17, 2010, plaintiff filed a document titled “Motion for Entry of Default Judgment” (“Motion”). Said filing is not a sufficient response to the OSC. Irrespective of whether defendant AIS Services has failed to answer or otherwise respond to plaintiff’s complaint within the time prescribed by Rule 12 of the Federal Rules of Civil Procedure, plaintiff was required to comply with the Court’s orders. In particular, by Order filed June 24, 2010, plaintiff was required to file, by August 27, 2010, a Case Management Statement and, unless excused by the Court before the date of the Case Management Conference, to appear in person at such proceeding. Nothing in plaintiff’s Motion addresses her failure to

1 comply with those Court-ordered obligations.

2 Nevertheless, the Court will provide plaintiff one further opportunity to respond to the  
3 OSC. Plaintiff's response, which must be in the form of a declaration signed under penalty  
4 of perjury, shall be filed no later than October 7, 2010.

5 Additionally, the Court notes that plaintiff's Motion is premature, as there has been  
6 no motion for entry of default, let alone entry thereof. See Fed. R. Civ. P. 55(a) (providing  
7 for entry of default by clerk); Fed. R. Civ. P. 55(b) (providing for entry of default judgment).  
8 Accordingly, plaintiff's Motion for Entry of Default Judgment is hereby DENIED without  
9 prejudice.


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11 **IT IS SO ORDERED.**

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13 Dated: September 24, 2010

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MAXINE M. CHESNEY  
United States District Judge

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