

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NOVELPOSTER,  
Plaintiff,

v.

JAVITCH CANFIELD GROUP, et al.,  
Defendants.

Case No. [13-cv-05186-WHO](#)

**ORDER VACATING CLERK'S ENTRY  
OF DEFAULT**

Re: Dkt. No. 14

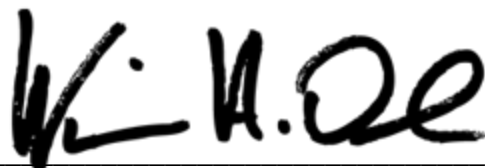
On November 14, 2013, defendant Daniel Canfield was served with a summons in this matter. Dkt. No. 6. Under Federal Rule of Civil Procedure 12, the defendant must file a responsive pleading or Rule 12 motion within 21 days of service, i.e., December 5, 2013. On December 4, 2013, defendant Daniel Canfield filed by hand a timely motion to dismiss. However, the motion was not posted onto the Court's electronic docket until December 12, 2013. Dkt. No. 16.

On December 6, 2013, the plaintiff requested that the Clerk enter default against the defendants for failing to respond to the Complaint. Dkt. No. 11. On December 9, 2013, the Clerk entered default against the defendants. Dkt. No. 14.

Because defendant Canfield filed a timely motion to dismiss, but default was entered against him due to a clerical error, the Court ORDERS that the entry of default against Daniel Canfield be VACATED.

**IT IS SO ORDERED.**

Dated: December 12, 2013



WILLIAM H. ORRICK  
United States District Judge