

United States District Court
For the Northern District of California

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

JUDITH A. MOORE,
Petitioner,

No. C 09-03092 SBA (PR)

**ORDER DENYING SECOND MOTION
FOR DEFAULT JUDGMENT**

v.

TINA HORNBEAK,
Respondent.

Petitioner has filed a second motion for a default judgment against Respondent claiming that Respondent has failed to file an Answer by November 9, 2010 as set forth in the Court's September 7, 2010 Order Granting Enlargement of Time to File Answer.

The record shows that Respondent filed a timely Answer on October 28, 2010.

Because Respondent has not failed to file a timely Answer, Petitioner's second motion for a default judgment is DENIED.

Petitioner shall file her Traverse no later than **December 30, 2010**. Should Petitioner fail to do so, the petition will be deemed submitted and ready for decision on the date her Traverse is due.

This Order terminates Docket no. 25.

IT IS SO ORDERED.

DATED: 12/6/10


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

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6 JUDITH A. MOORE,
7 Plaintiff,

Case Number: CV09-03092 SBA

CERTIFICATE OF SERVICE

8 v.

9 TINA HORNBEAK et al,
10 Defendant.

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
Court, Northern District of California.

13 That on December 8, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
located in the Clerk's office.

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18 Judith A. Moore X-20913
Valley State Prison for Women
19 P.O. Box 96
Chowchilla, CA 93610-0096

20 Dated: December 8, 2010

21 Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk