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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: *CKC* DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

OMAR ERNEST EPPS,

Plaintiff,

vs.

N. GRANNIS, et al.,

Defendants.

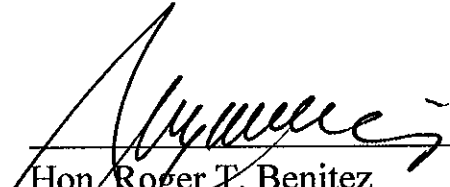
Case No. 10cv1949 BEN (KSC)
ORDER:
**DENYING PLAINTIFF'S
MOTION FOR DEFAULT
JUDGMENT**
[Dkt. No. 123]

Plaintiff seeks the entry of a default judgment under F.R.C.P. Rule 55 against Defendants Grannis, Ochoa, Builteman, and Bentley. Defendants have yet to file a response. The motion is denied.

Each Defendant has filed an Answer and appeared in this action. Rule 55, "applies only to parties who have never appeared in the action." *Direct Mail Spec. v. Eclat Computerized Tech.*, 840 F.2d 685, 689 (9th Cir. 1988) (quoting 10 C. Wright and Miller, *Federal Practice & Procedure* §2683, at 415 (2d ed. 1983)). Since the Defendants have appeared and judgments by default are disfavored, the motion is denied.

IT IS SO ORDERED.

DATED: July 24 2013


Hon. Roger T. Benitez
United States District Judge