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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 MARK E. DORSEY,

12 Plaintiff,

13 v.

14 DANIEL PARAMO, et al.,

15 Defendant.

Case No.: 17cv1123-CAB-KSC

**ORDER DENYING PLAINTIFF'S
MOTION SEEKING
INTERVENTION [Doc. No. 64]**

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17 On July 15, 2019, Plaintiff filed a Motion Seeking Intervention from District Court
18 for a Judgment on Submitted Default Judgment on Count 1 dated 3/21/18. [Doc. No. 64.]
19 In the motion, Plaintiff claims that he has not received a ruling on the default judgment that
20 Plaintiff submitted on 3/21/18. *Id.* at 1, Ex. A. A review of the docket shows that the
21 motion to which Plaintiff refers (entitled “Motion for Judgment on the Pleadings or
22 Alternative Default Judgment”) was filed nunc pro tunc on March 26, 2018. [Doc. No.
23 35.] The docket also shows that this Court ruled on the Motion for Judgment on the
24 Pleadings or Alternative Default Judgment on August 29, 2018. *See* Order Adopting
25 Report and Recommendation and Granting Defendants’ Motion to Dismiss, Doc. No. 40
26 at 1, n. 1.] Specifically, the Court ruled as follows:
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1 On March 28, 2018, Plaintiff filed a motion for judgment on the pleadings as
2 to Count 1, claiming that Defendants failed to answer Count 1, as the motion
3 to dismiss is only directed to Counts 2 and 3. [Doc. No. 35.] However, the
4 filing of a motion to dismiss under Fed.R.Civ.P. Rule 12(b) extends a
5 defendant's time to file a responsive pleading, even if the Rule 12(b) motion
6 challenges only some of the claims of the complaint. *See Compton v. City of
Harrodsburg, Ky.*, 287 F.R.D. 401, 402 (E.D. Ky. 2012). Therefore, the
7 motion for judgment on the pleadings [Doc. No. 35] is DENIED.

8 Given that the Court has ruled on the motion to which Plaintiff refers, the
9 motion seeking intervention [Doc. No. 64] is **DENIED**.

10 **IT IS SO ORDERED.**

11 Dated: July 26, 2019



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13 Hon. Cathy Ann Bencivengo
14 United States District Judge
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