

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00367-WYD-KLM

RYAN ALEXANDER PETTIGREW,

Plaintiff,

v.

EXECUTIVE DIRECTOR ARISTEDES ZAVARES, [sic], et al.,
In their Individual and Official Capacities,

Defendants.

ORDER

This matter comes before the Court on Plaintiff's Declaration of Entry of Default, filed August 22, 2011, [ECF No. 44].

Plaintiff requests that a default, presumably pursuant to FED. R. CIV. P. 54(a), enter against Defendants on the basis that their responsive pleading to the Amended Complaint was due on August 1, 2011 but was actually filed August 2, 2011. Unfortunately, Plaintiff has his information wrong. Defendants' Motion to Dismiss was filed August 1, 2011 [ECF No. 40]. Consequently, as the responsive pleading was to be filed "on or before August 1, 2011," the Motion to Dismiss was not received beyond the deadline for its filing and Defendants are not subject to an entry of default.

It is therefore Ordered that Plaintiff's request for entry of default is Denied.

Dated this 22nd day of August, 2011.

BY THE COURT:

s/ Wiley Y. Daniel _____
WILEY Y. DANIEL,
CHIEF UNITED STATES DISTRICT JUDGE