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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

HAROLD HARDEN,

Plaintiff,

v.

DR. MONNINGHOFF and AGULAR,

Defendants.

Case No. 2:14-CV-00377-APG-PAL

ORDER

(Dkt. #43)

Plaintiff Harold Harden moves to “dismiss” the defendants’ answer as untimely. Defendants acknowledge their answer was one day late, but they argue striking their answer is an unduly harsh remedy where the plaintiff has suffered no prejudice and any default should be set aside. I agree. *See United States v. Signed Personal Check No. 730 of Yubran S. Mesle*, 615 F.3d 1085, 1091 (9th Cir. 2010).

IT IS THEREFORE ORDERED that plaintiff Harold Harden’s motion to dismiss the defendants’ answer (Dkt. #43) is DENIED.

DATED this 14th day of, 2015.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE