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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CPALEAD, LLC,)
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 Plaintiff,)
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 v.)
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 ADEPTIVE ADS, LLC, et al.,)
)
 Defendants.)
)
 _____)

Case No. 2:14-cv-01449-JCM-CWH

ORDER

Presently before the court is Defendant Michael Simmons’ motion (ECF No. 171) to extend time to file, filed on March 18, 2016. Plaintiff has filed a response (ECF No. 173).

Also before the court is Plaintiff’s motion (ECF No. 174) to strike Defendant’s answer to the second amended complaint, filed on April 4, 2016. Defendant has filed a response (ECF No. 178), and Plaintiff has filed a reply (ECF No. 179).

In his motion for an extension, Defendant, acting pro se, represents that he was unaware that he was required to file an answer to Plaintiff’s second amended complaint. He notes that he has been responsive to other matters in this case, and represents that he intends to hire an attorney to represent him. Defendant therefore requests an extension of two weeks to file an answer. After filing his motion, Defendant also filed an answer (ECF No. 172) to Plaintiff’s second amended complaint (ECF No. 150).

Plaintiff objects to Defendant’s motion, and moves to strike Defendant’s answer as unauthorized in light of the clerk’s default (ECF No. 170) filed in this case on March, 11, 2016. However, on September 6, 2016, the court denied (ECF No. 187) the motion for clerk’s default against Defendant. The court may grant leave to file an answer after the usual deadline has passed upon a showing of “excusable neglect.” See Fed. R. Civ. P. 6(b)(1)(B). Here, the Defendant has shown that he was participating in the case, but did not understand the requirement to respond to Plaintiff’s amended complaint. Moreover, absent a default against Defendant, an extension will not prejudice Plaintiff. The court will therefore grant Defendant an extension to file an answer to

1 Plaintiff's second amended complaint.

2 IT IS THEREFORE ORDERED that Defendant's motion (ECF No. 171) to extend time to
3 file is GRANTED.

4 IT IS FURTHER ORDERED that Plaintiff's motion (ECF No. 174) to strike Defendant's
5 answer to the second amended complaint is DENIED as moot.

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8 DATED: September 8, 2016.

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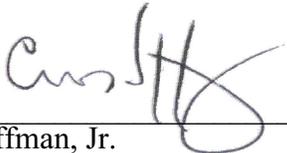
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C.W. Hoffman, Jr.
United States Magistrate Judge