

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 Jeffrey D. Slocum,
5 Plaintiff

6 v.

7 Glenn Fowler, et. al.,
8 Defendants

2:16-cv-02169-JAD-CWH

Order Denying Motion for Default

[ECF No. 17]

9
10 On October 10, 2017, I denied without prejudice plaintiff Jeffrey Slocum's
11 motion for summary judgment in this prisoner civil-rights case as premature
12 because it was filed before any defendant had even been served.¹ Yet, two weeks
13 later, Slocum moved the court to enter default against the defendants because none
14 had opposed the motion for summary judgment.² Because I denied the motion for
15 summary judgment as premature, it is no longer pending and no defendant has an
16 obligation to oppose it. Even if the motion were still pending and the defendants
17 had failed to oppose it, I still would not use their lack of opposition as a basis to
18 enter default against them.³

19 Accordingly, IT IS HEREBY ORDERED that Slocum's Motion for Default
20 [ECF No. 17] is DENIED.

21 DATED: October 31, 2017.

22 
23 _____
U.S. District Judge Jennifer A. Dorsey

24 ¹ ECF No. 13.

25 ² ECF No. 17.

26 ³ See Local Rule 7-2(d) (explaining that the failure to oppose some motions may be
27 deemed consent to granting the motion—*unless it's a motion for summary judgment*
28 or attorney's fees).