

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TERRY R. COCHRANE,)	3:11-cv-00092-LRH-WGC
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	March 27, 2012
)	
LAS VEGAS METROPOLITAN POLICE)	
DEPARTMENT, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: JENNIFER COTTER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court are plaintiff Terry Cochrane’s “Motion Requesting Permission to Attach Additional Exhibits” (Doc. #28), “Motion Requesting a Court Order for Additional Legal Supplies and Copy Work” (Doc. #29), motion entitled “Request for Ruling on Doc. #29” (Doc. #33), and a motion entitled “Declaration for Entry of Default” (Doc. #40). Additionally before the court is defendants Las Vegas Metropolitan Police Department, *et al.*’s Motion for Leave to Take Deposition of Incarcerated Person (Doc. #44). The Court will address these filings in the order discussed above.

I. Motion Requesting Permission to Attach Additional Exhibits (Doc. #28)

Plaintiff’s Motion Requesting Permission to Attach Additional Exhibits (Doc. #28) apparently seeks to file twelve documents as evidence in support of his underlying claim. However, the Court is at a loss what it is exactly it is plaintiff is seeking. The “motion” seemingly is made to be used as “supporting evidence. To be used as exhibits to support his claim.” (*Id.* at 1.) Whether these “exhibits” are intended to support a claim at trial or in some pretrial motion is unclear. In its present format, plaintiff’s motion (Doc. #28) is **DENIED** without prejudice to be renewed, if at all, in compliance with the Federal Rules of Civil Procedure and the Local Rules of Practice.

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II. Motion For Additional Copywork & Request For Ruling on Doc. #29 (Docs. #29 & 33)

Plaintiff's Motion for Additional Copy Work (Doc. #29) is **GRANTED**. Mr. Cochran shall be granted \$25.00 for additional copy work and legal supplies. As a result, plaintiff's Motion Requesting a Ruling on Doc. #29 (Doc. #33) is **DENIED** as moot.

III. Motion for Entry of Default Judgment (Doc. #40)

Plaintiff seeks an entry of default on the basis "that more than 20 days have elapsed since the date on which the defendants were served." (Doc. #40 at 1.) In this case, entering default judgment is inappropriate because defendants timely filed their answer with the court. (Doc. # 36.) Plaintiff did not receive a copy of defendants' answer because plaintiff was apparently transferred and defendants were not given his new address. Among the factors the court must consider when determining if an entry of default judgment is appropriate are whether default is largely technical and whether plaintiff is prejudiced by delay. *Rashidi v. Albright*, 818 F. Supp. 1354, 1256 (D. Nev. 1993) *affirmed by* 39 F.3d 1188 (9th Cir. 1994). However regrettable, the error was merely clerical and Mr. Cochran was not prejudiced by the delay. Therefore, Mr. Cochran's Motion for Entry of Default Judgment against defendants (Doc. #40) is **DENIED**.

IV. Motion for Leave to Take Deposition of Incarcerated Person (Doc. #44)

Defendants Las Vegas Metropolitan Police Department and Sgt. Swartwood's motion seeks leave of court to depose plaintiff pursuant to FRCP Rule 30(a)(2). Good cause appearing, defendants' Motion for Leave to Take Deposition of Incarcerated Person (Doc. #44) is **GRANTED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/
Deputy Clerk