

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IKIDA SEARCY,

Plaintiff,

- against -

THE CITY OF NEW YORK et al.,

Defendants.

18cv8488 (JGK)

MEMORANDUM OPINION AND
ORDER

JOHN G. KOELTL, District Judge:

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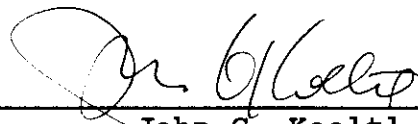
On October 30, 2018, the plaintiff obtained a certificate of default against defendant Isidore Garcia. By letter dated November 7, 2018, defendant Garcia requested that the Court vacate the certificate of default and grant an extension of time to file an answer to the complaint. Defendant Garcia advises that he believed that his union was going to provide counsel to represent him in this action, and only recently discovered that such representation will not be provided. Defendant Garcia will now be proceeding pro se.

"[A]s a general rule a district court should grant a default judgment sparingly and grant leave to set aside the entry of default freely when the defaulting party is appearing pro se." Enron Oil Corp. v. Diakuhara, 10 F.3d 90, 96 (2d Cir. 1993). Therefore, the certificate of default is **vacated**, (Dkt. No. 13), and the motion for default judgment is **denied**, (Dkt. No. 21).

Defendant Garcia's request for an extension of time to answer the complaint is **granted**. The defendant may answer the complaint by **January 13, 2019**.

SO ORDERED.

**Dated: New York, New York
December 13, 2018**



**John G. Koeltl
United States District Judge**