

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DOROTHY WALKER, §  
§  
Pro Se Plaintiff, §  
§  
VS. § Civ. A. H-15-1176  
§  
HOUSTON FEDERATION OF TEACHERS, §  
§  
Defendant. §

**OPINION AND ORDER**

Pending before the Court in the above referenced cause, removed from state court on May 4, 2015, is *Pro Se* Plaintiff Dorothy Walker's motion for entry of default pursuant to Federal Rule of Civil Procedure 55(a) (instrument #5) against Defendant Houston Federation of Teachers because it did not file a timely answer to her Petition.

Rule 55(a) states, "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Under Rule 81(c)(2)(C) Defendant had seven days after the notice of removal was filed, or until May 11, 2015 in this case. Because Defendant filed a timely motion to dismiss (#3) on May 11, 2015, and therefore defended against Plaintiff's petition, the Court

ORDERS that Plaintiff's motion for entry of default (#5) is DENIED.

**SIGNED** at Houston, Texas, this 10<sup>th</sup> day of June, 2015.



MELINDA HARMON  
UNITED STATES DISTRICT JUDGE