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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 KYNTREL T. JACKSON,

9 Plaintiff,

10 v.

11 DEPARTMENT OF CORRECTIONS
WASHINGTON, et al.,

12 Defendants.
13

Case No. C16-1856-RAJ-MAT

ORDER ON DEFENDANT'S
RESPONSE TO SHOW CAUSE
ORDER AND PLAINTIFF'S
REQUEST FOR DEFAULT
JUDGMENT

14 This is a 42 U.S.C. § 1983 prisoner civil rights action. Defendant Christopher Kinslow
15 failed to timely file an answer after waiving service of process. The Court ordered him to show
16 cause why a default should not be entered against him. (Dkt. 26.) In response, Dr. Kinslow
17 explained his confusion regarding how to contact and obtain representation through his former
18 employer, the Monroe Correctional Complex. (Dkts. 28 & 29.) Counsel has appeared on his
19 behalf, and he is ready to fully participate in the litigation. (Dkts. 27 & 29.) Plaintiff filed a reply
20 asking the Court to enter default judgment in his favor. (Dkt. 30.)

21 Having considered the foregoing, the Court finds and ORDERS:

22 (1) Plaintiff's request for entry of default judgment is DENIED. Entry of default
23 judgment is left to the Court's sound discretion. *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir.

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1 1980). In exercising its discretion, the Court considers (1) the possibility of prejudice to the
2 plaintiff if relief is denied; (2) the substantive merits of the plaintiff's claims; (3) the sufficiency
3 of the claims raised in the complaint; (4) the sum of money at stake in relationship to the
4 defendant's behavior; (5) the possibility of a dispute concerning material facts; (6) whether default
5 was due to excusable neglect; and (7) the preference for decisions on the merits when reasonably
6 possible. *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986). Although Dr. Kinslow has
7 delayed this litigation, the Court finds that these factors weigh against entering default judgment,
8 particularly given that plaintiff has not been prejudiced and Dr. Kinslow is ready to proceed to the
9 merits.

10 (2) Dr. Kinslow shall answer plaintiff's amended complaint within **14 days** of the date
11 this Order is signed. Thereafter, the Court will issue a pre-trial scheduling order.

12 (3) The Clerk is directed to send copies of this order to the parties and to the Honorable
13 Richard A. Jones.

14 Dated this 29th day of August, 2017.

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16 
17 Mary Alice Theiler
United States Magistrate Judge