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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT DEAN GRIFFIN,

Plaintiff,

v.

ROBERT HERZOG, et al,

Defendants.

Case No. 3:17-cv-05394-RBL-TLF

ORDER DENYING PLAINTIFF'S
MOTION FOR DEFAULT

Before the Court is Plaintiff Robert Dean Griffin's motion/declaration for entry of default (Dkt. 29) and motion for default judgment (Dkt. 30). For the reasons set forth herein, the motions are denied.

BACKGROUND

On May 25, 2017, plaintiff filed a civil rights complaint alleging defendants violated his constitutional rights when they failed to treat his MRSA infection. Dkt. 3. On June 30, 2017, plaintiff filed a first amended complaint alleging that he was denied food, personal hygiene, and exercise. Dkt. 13. On July 6, 2017, defendants objected to the amended complaint based on the confusion of issues and defendants. Dkt. 14. On the same day, plaintiff filed a second amended complaint. Dkt. 16. Defendants again objected based on the confusion resulting from the second amendment and, in the alternative, moved for a more definite statement under Fed. R. Civ. P.

1 12(e). Dkt. 19. That motion is still pending. On July 28, 2017, plaintiff filed his motions for
2 entry of a default judgment. Dkts. 29, 30.

3 **DISCUSSION**

4 According to the Federal Rules of Civil Procedure, if a motion is filed under Rule 12, the
5 deadline for a responsive pleading changes according to a court's disposition of the motion. Fed.
6 R. Civ. P. 12(a)(1). If the Court grants defendants' motion for a more definite statement,
7 defendants' responsive pleading is due within 14 days of plaintiff's service of a more definite
8 statement. *Id.* at 12(a)(4)(B). If the Court denies defendants' motion for a more definite
9 statements, defendants' answer shall be due within 14 days of the denial. *Id.* at 12(a)(4)(A).
10 Thus, a responsive pleading is not yet due and plaintiff's request that a default judgment be
11 entered against defendants is premature.

12 Accordingly, it is **ORDERED**:

13 (1) Plaintiff's motions for default judgment (Dkts. 29 and 30) are **DENIED**.

14 (2) The Clerk is directed to send a copy of this Order to plaintiff and to counsel for
15 defendants.

16 Dated this 3rd day of August, 2017.

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20 Theresa L. Fricke
21 United States Magistrate Judge