

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:16-cv-05224-SVW-AGR	Date	September 27, 2017
Title	<i>Travis Middleton, et al. v. Richard Pan, et al.</i>		

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE

Paul M. Cruz
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

Proceedings: In Chambers: DENYING PLAINTIFF’S APPLICATION FOR DEFAULT [144]

On September 20, 2017, Plaintiff filed an Application for Default, etc., (the "Application") seeking a default against defendant Alicia Rosenberg. Default is available only “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend.” Fed. R. Civ. P. 55(a).

The Application is defective for several reasons. The Application fails to show, by affidavit or otherwise, that the defendant's time to plead or otherwise defend has passed. *See* Fed. R. Civ. Proc. 55(a). Plaintiff has not demonstrated that proper service on the defendant was accomplished or provided any other basis to find that the defendant was required to respond to the complaint. In addition, the named defendant, Magistrate Judge Alicia Rosenberg, would be entitled to absolute judicial immunity from Plaintiff's claims. *See Mireles v. Waco*, 502 U.S. 9, 11-12 (1991). As such, the Application must be DENIED.

IT IS SO ORDERED.

Initials of Preparer

: _____
PMC