

E-Filed 1/7/11

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KEVIN M. HALL,

No. C 10-03799 RS

Plaintiff,

v.

**ORDER DENYING MOTION FOR
DEFAULT JUDGMENT**

CARLOS A. GARCIA,

Defendant.

On September 22, 2010 plaintiff Kevin M. Hall filed a motion for default judgment, alleging that defendant Carlos A. Garcia had failed to respond to his complaint within 21 days of service of the complaint. Defendant filed an opposition to the motion for default judgment contending that service was not completed until September 9, 2010. Furthermore, he had made an appearance in the case by filing a motion for extension of time to answer prior to plaintiff's request for default judgment. As defendant also filed an answer to the complaint on September 24, 2010 and parties are engaged in this action on the merits, the motion for default judgment is denied.

IT IS SO ORDERED.

Dated: 1/7/11



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

1 **THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDER WAS MAILED TO:**

2 **Kevin M. Hall**

3 4626 17th Street

4 San Francisco, CA 94117

5 DATED: 1/7/11

/s/ Chambers Staff

Chambers of Judge Richard Seeborg

United States District Court
For the Northern District of California

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