

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES CRISWELL, et al.,
Plaintiffs,
v.
MICHAEL BOUDREAUX,
Defendant.

Case No. 1:20-cv-1048-DAD-SAB
ORDER REQUIRING DEFENDANT TO
FILE RESPONSIVE PLEADING
TEN DAY DEADLINE

On July 29, 2020, Plaintiffs Charles Criswell, Levi Johnson, Samuel Camposeco, Adam Ibarra, and the California Attorneys for Criminal Justice filed a complaint in this matter against Defendant Michael Boudreaux, the Sheriff of Tulare County, seeking declaratory and injunctive relief and a petition for a writ of habeas corpus. (ECF No. 1.) On this same date, the scheduling order issued setting a mandatory scheduling conference for October 29, 2020.¹ (ECF No. 4.) Defendant was personally served on July 30, 2020. (ECF No. 9.)

On August 12, 2020, Plaintiffs filed an ex parte application seeking provisional class certification and motion seeking a temporary restraining order. (ECF Nos. 10, 11.) Defendant filed a response to the ex parte motions on August 20, 2020. (ECF Nos. 15-16.) Plaintiffs filed a reply on August 24, 2020. (ECF Nos. 17-18.) District Judge Dale A. Drozd held a hearing on the motion on August 26, 2020. (ECF No. 19.) On August 27, 2020, Defendant filed a

¹ The parties are reminded that a joint scheduling report shall be filed seven days prior to the scheduling conference.

1 supplement and Plaintiffs filed an opposition to the supplement on August 28, 2020. (ECF No
2 22, 23.) On August 31, 2020, Defendant filed a motion to supplement their opposition. (ECF
3 No. 25.) On September 2, 2020, an order was filed granting the application for provisional class
4 certification and granting the motion for a temporary restraining order in part. (ECF No. 26.)

5 On October 6, 2020, Judge Drozd issued an order setting a briefing schedule for a motion
6 for a preliminary injunction. (ECF No. 32.)

7 In this matter, Defendant was served on July 30, 2020, and has not filed a pleading in
8 response to the complaint. Rule 12 of the Federal Rules of Civil Procedure provides that a
9 defendant must serve an answer within 21 days after being served with the summons and
10 complaint. Fed. R. Civ. P. 12(a)(1)(A).

11 Accordingly, IT IS HEREBY ORDERED that Defendant shall file a responsive pleading
12 within ten (10) days of the date of entry of this order.

13
14 IT IS SO ORDERED.

15 Dated: October 6, 2020


UNITED STATES MAGISTRATE JUDGE