

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Simon v. Cumba

Simon · No. 3:25-CV-00107-CAB-MSB · Decided February 24, 2025

OPINION

Simon v. Cumba

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10

11 PHILLIP W. SIMON, Case No. 3:25-CV-00107-CAB-MSB

12 Plaintiff,

ORDER DISMISSING REQUEST

13 v. FOR ENTRY OF DEFAULT

14 DEBORAH A. CUMBA, [Doc. No. 13] 15 Defendant, 16 17 18 Plaintiff has filed a request for
entry of default judgment against Defendant. [Doc. 19 No. 13.] But Defendant filed a timely
motion to dismiss the complaint on Feb. 13, 2025. 20 [Doc. No. 10.] Defendant has clearly raised
a defense before this Court. Fed. R. Civ. P. 21 55(a); see Song v. Deeds, 947 F.2d 951 (9th Cir.
1991) (explaining that a motion to dismiss 22 constitutes an effort to “otherwise defend” the
lawsuit). 23 /// 24 /// 25 /// 26 27 28 l Plaintiff's motion for default judgment is denied. 2 3 Itis SO
ORDERED. 4 5 || Dated: February 24, 2025 € 6 Hon. Cathy Ann Bencivengo 7 United States
District Judge 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28