

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Charles Edward Byrd,	}	No. CV 04-2701-PHX-NVW (ECV)
Plaintiff,		ORDER
vs.		
Maricopa County Sheriff's Office, et al.,		
Defendants.		

Pending before the court are Plaintiff's Motion for Status (Doc. #26), Motion Demanding Judgment by Default (Doc. #27) and Motion for Summary Judgment (Doc. #29)¹. Defendants Arpaio, Peterson and O'Connell have filed a Response to Motion Demanding Judgment by Default (Doc. #30) and a Response to Plaintiff's Motion for Summary Judgment (Doc. #32). Plaintiff has not filed a reply for any of his motions.

In each of Plaintiff's motions, he claims he is entitled to relief because Defendants failed to file a timely answer to Plaintiff's amended complaint. Plaintiff is wrong. Under Rule 12(a)(1)(B) of the Federal Rules of Civil Procedure, Defendants' answer was due within 60 days of the day the request for service was sent to each of them. As the court docket reflects, a waiver was sent to each of the three defendants on February 15, 2006. See Doc.

¹ Although Plaintiff titles his third motion as a "Motion for Summary Judgment Pursuant to Rule 56 of the Federal Rules of Civil Procedure," it is essentially a duplicate of his motion for a default judgment.

1 #21 - #23. Accordingly, their answers were due on April 17, 2006. Defendants filed their
2 answer on the due date. See Doc. #28. Because Defendants' answer was timely, Plaintiff's
3 motions will be denied.

4 **IT IS THEREFORE ORDERED:**

5 Plaintiff's Motion for Status (Doc. #26), Motion Dem anding Judgment by Default
6 (Doc. #27) and Motion for Summary Judgment (Doc. #29) are **denied**.

7 DATED this 22nd day of May, 2006.

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Edward C. Voss
United States Magistrate Judge