

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

DENNIS THRASHER

PLAINTIFF

V.

CASE NO. 3:10CV00298 BD

MICHAEL BRYAN, *et al.*

DEFENDANTS

ORDER

Plaintiff Dennis Thrasher has moved for default judgment against Defendant Michael Bryan and also for the appointment of counsel. (Docket entries #31, #32) The motions (#31, #32) are DENIED.

I. Motion for Default Judgment:

In his motion for default judgment, Mr. Thrasher argues that Mr. Bryan has not responded to his complaint and that a default judgment should be entered. Based on a review of the docket sheet in this matter, Mr. Bryan is not in default.

Mr. Thrasher filed this lawsuit on November 23, 2011. (#1) On December 7, 2010, the Court ordered that Mr. Bryan be served. (#3) Although the original summons for Mr. Bryan was returned unexecuted (#15), that summons was returned executed on March 18, 2011 (#19). On March 17, 2011, Mr. Bryan filed an Answer. (#18) Because Mr. Bryan has responded to Mr. Thrasher's complaint, the motion for default judgment (#31) is DENIED.

II. Motion for the Appointment of Counsel:

Mr. Thrasher previously requested court-appointed counsel, but the motion was denied (#11). For the same reasons, Mr. Thrasher's pending request (#32) also is DENIED, without prejudice.

IT IS SO ORDERED this 27th day of July, 2011.



UNITED STATES MAGISTRATE JUDGE