

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

LISA BARNES-McNEELY

PLAINTIFF

v.

CASE NO. 5:08-CV-00199 BSM

**ARKANSAS DEPARTMENT OF
CORRECTION, ET AL**

DEFENDANTS

ORDER ON MOTION FOR DEFAULT JUDGMENT

Presently before the court is plaintiff's motion for default judgment. Plaintiff filed her complaint in this case on July 21, 2008. The defendants were served on August 4, 2008. Defendants filed their answer on Monday, August 25, 2008. Plaintiff asserts that defendants were required to file their answer by Sunday, August 24, 2008.

Federal Rule of Civil Procedure 12(a)(1)(A)(i) provides, "A defendant must serve an answer . . . within 20 days after being served with the summons and complaint . . ." In computing the time period, the day of the act that begins the period is excluded. Fed. R. Civ. P. 6(a)(1). Furthermore, if the last day of the period is a Saturday, Sunday, legal holiday, or day when the clerk's office is inaccessible, the last day of the period is excluded, and "the period runs until the end of the next day that is not a Saturday, Sunday, legal holiday or day when the clerk's office is inaccessible." Fed. R. Civ. P. 6(a)(3). Thus, defendants' answer was timely.

Accordingly, plaintiff's motion for default judgment (Doc. No. 27) is denied.

IT IS SO ORDERED THIS 30th day of September, 2008.



UNITED STATES DISTRICT JUDGE