

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

DON MERCELEANY R. MAXWELL/G-DOFFEE,  
ADC #108778

PLAINTIFF

v.

5:09CV00379JLH-JTK

DARRYL GOLDEN, et al.

DEFENDANTS

**ORDER**

This matter is before the Court on Plaintiff's Motions for an Evidentiary Hearing and Jury Trial, and for Default Judgment against Defendant (Doc. Nos. 242).

This case was remanded to this Court by the United States Court of Appeals for the Eighth Circuit on January 8, 2013, for an additional attempt to serve Defendant Cox on Plaintiff's retaliation claim against him (Doc. No. 231.) Summons was issued to Defendant Cox on January 10, 2013, and was returned executed on February 21, 2013 (Doc. Nos. 233, 236). Defendant Cox filed an Answer to Plaintiff's Amended Complaint on March 6, 2013 (Doc. No. 240). Therefore, on March 7, 2013, this Court issued a Scheduling Order, setting discovery deadlines at September 8, 2013, and dispositive motions deadlines at October 7, 2013.

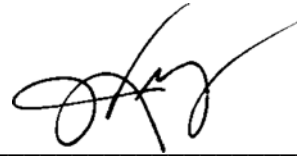
In light of these events, Plaintiff's Motion for an Evidentiary Hearing and Jury Trial (Doc. No. 238) is premature and is DENIED.

In addition, the Motion for Default Judgment as to Defendant Cox (Doc. No. 242),<sup>1</sup> is DENIED. Defendant timely filed his Answer within twenty-one days of issuance of summons and service, as set forth in FED.R.CIV.P. 12(a)(1)(A)(i).

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<sup>1</sup>Although this Motion was captioned on the docket as for default judgment "against All Defendants," Defendant Cox is the sole remaining Defendant in this action (Doc. No. 242).

IT IS SO ORDERED this 15<sup>th</sup> day of March, 2013.

A handwritten signature in black ink, appearing to read 'JK', is positioned above a horizontal line.

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JEROME T. KEARNEY  
UNITED STATES MAGISTRATE JUDGE