

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

CODIE DANIELS,
ADC #144455

PLAINTIFF

V.

5:14CV00360 BSM/JTR

WENDY KELLEY, et al.

DEFENDANTS

ORDER

Defendant Joanne Burnett has filed a Response to the Order to Show Cause explaining that she did not timely file her Answer because her home burned to the ground shortly after she was served with the summons and Complaint. *Doc. 26.*

The Court concludes that Defendant Burnett has demonstrated sufficient cause to excuse her failure to timely file an Answer or other responsive pleading. Additionally, it does not appear that Plaintiff has been prejudiced by her brief delay in responding to the Complaint. *See Fed. R. Civ. P. 60(b)(1)* (explaining that a court may relieve a party from judgment if the party demonstrates “mistake, inadvertence, surprise, or excusable neglect”); *Feeney v. AT&E, Inc.*, 472 F.3d 560, 563 (8th Cir. 2006) (explaining that, when deciding whether to grant default judgment, a court should consider “the danger of prejudice to the non-moving party, the length of the delay and its potential impact on judicial proceedings, the reason for the delay,

including whether it was within the reasonable control of the movant . . . whether the movant acted in good faith . . . [and] the existence of a meritorious defense”).

IT IS THEREFORE ORDERED THAT Defendant Burnett must file an Answer or other responsive pleading **on or before April 15, 2015.**

Dated this 30th day of March, 2015.



UNITED STATES MAGISTRATE JUDGE