

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

SAMUEL MIXON

PLAINTIFF

v.

No. 5:16-cv-107-DPM

STANT USA CORP.

DEFENDANT

ORDER

Mixon hasn't responded to Stant's motion to file its answer eight months late. The U.S. Marshals Service made good service for Mixon, who is proceeding *in forma pauperis*, in late June 2016. Stant does not contend otherwise in its proposed answer. Applying the *Pioneer* factors, and considering all material things, Stant's motion, *Ne 8*, is granted because the company's neglect is excusable. *Chorosevic v. Metlife Choices*, 600 F.3d 934, 946-47 (8th Cir. 2010). Stant's effort to fight the merits is much belated. But the record shows a series of unfortunate confusions and omissions about the lawsuit. Most importantly, Mixon's lack of opposition indicates that he will not be prejudiced by the tardy answer. No motion for a Clerk's default or a default judgment has been filed. The Court therefore reads Mixon's silence as a willingness to win or lose his case on the merits. Answer due by 21 April 2017.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

12 April 2017
