

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JERRY LEE HAWKINS

PLAINTIFF

v.

Case No. 4:09-CV-04118

SHERIFF JERRY CRANE, et al.

DEFENDANTS

O R D E R

On this 3rd day of May 2011, there comes on for consideration the Report and Recommendation (Doc. 66) filed in this case on April 7, 2011, by the Honorable Barry A. Bryant, United States Magistrate for the Western District of Arkansas. Fourteen (14) days have passed without objections being filed by the parties.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendation, **IT IS ORDERED** that Plaintiff's motion for the entry of default against defendant Emanuel Harris (Doc. 58) is hereby **GRANTED**. The Clerk of the Court is directed to enter the party's default. If necessary, pending the outcome of Plaintiff's claims against the remaining defendants, a hearing on damages will be held at a later date.

Mr. Harris is advised that Rule 55(c) of the Federal Rules of Civil Procedure allows the Court to set aside an entry of default upon a showing of "good cause." In determining whether there is "good cause" to set aside a default judgment, the Eighth Circuit

considers "(1) whether the conduct of the defaulting party was blameworthy or culpable; (2) whether the defaulting party had a meritorious defense; and (3) whether the other party would be prejudiced if the default were excused." *Forsythe v. Hales*, 255 F.3d 487, 490 (8th Cir. 2001) (quoting *Johnson v. Dayton Elec. Mfg. Co.*, 140 F.3d 781, 784 (8th Cir. 1998)).

The Clerk of the Court is hereby directed to forward a copy of this Order, via certified mail with return receipt, to defendant Harris at the address indicated on the Marshal's return of service (Doc. 57).

IT IS SO ORDERED this 3rd day of May 2011.

/s/ Paul K. Holmes, III
Paul K. Holmes, III
United States District Judge