

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

MICHAEL VALENTINE GARDNER

PLAINTIFF

v.

Case No. 4:16-cv-4102

CORRECTIONAL OFFICER N. TEFFT,
LIEUTENANT ADAMS, and WARDEN MOORE,
Miller County Detention Center

DEFENDANTS

ORDER

Before the Court is Plaintiff's Motion for Default Judgment. ECF No. 15. Plaintiff moves the Court to enter default judgment against Separate Defendant Lieutenant Adams. Defendant Adams has filed a response. ECF No. 16. This matter is ripe for the Court's consideration.

Plaintiff argues that he is entitled to a default judgment against Defendant Adams, because Defendant Adams failed to file a timely answer to the complaint. Plaintiff's assertion is incorrect. Summons for Defendant Adams was executed on December 12, 2016. ECF No. 11. Generally, a defendant is required to file an answer within twenty-one (21) days after being served with a copy of the summons and complaint. Fed. R. Civ. P. 12(1)(1). Thus, Defendant Adams's answer was due on January 3, 2017. Defendant Adams filed an answer on January 3, 2017. ECF No. 12. Because Defendant Adams filed a timely answer, Plaintiff's Motion for Default Judgment is **DENIED**.

IT IS SO ORDERED, on this 29th day of June, 2017.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge