

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

CHRISTOPHER J. BENTON,

Plaintiff,

v.

CASE NO. 4:17cv513-RH/CAS

SERGEANT REDDING,

Defendant.

\_\_\_\_\_ /

**ORDER VACATING THE DEFAULT AND  
REQUIRING AN ANSWER BY JUNE 25**

The defendant failed to respond to the complaint after proper service of process. The clerk entered a default. The plaintiff moved for a default judgment. The defendant moved to vacate the default. The magistrate judge issued a report and recommendation concluding that the default should be vacated. ECF No. 37. The plaintiff did not file objections.

The order of May 23, 2018 noted the requirement for a defendant to tender a meritorious defense in support of a motion to vacate a default. ECF No. 41. The order afforded the defendant an opportunity to do so. The defendant now has tendered a meritorious defense and has moved to extend the deadline to respond to

the complaint. ECF No. 42. This order grants the motion but requires the defendant to file an answer—not a motion.

The order sets June 25 as the deadline to file the answer. This is only a brief extension—but the defendant should have responded to the complaint months ago and, having defaulted and been slow to tender a meritorious defense, should not seek a longer extension.

IT IS ORDERED:

1. The report and recommendation, ECF No. 37, is accepted.
2. The plaintiff's motion for a default judgment, ECF No. 19, is denied.
3. The defendant's motion to vacate the default, ECF No. 27, is granted.
4. The default, ECF No. 15, is vacated.
5. The defendant must file an answer by June 25, 2018.

SO ORDERED on June 16, 2018.

s/Robert L. Hinkle  
United States District Judge