

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA, GA.
2020 JAN 24 AM 10:06

MITCHELL LUDY,)
)
 Plaintiff,)
)
 v.)
)
 CONSTANCE PULLINS, Nurse; CERT)
 SGT. HURST; CERT OFC. SMITH; and)
 CERT OFC. TIMMONS,)
)
 Defendants.)

CV 318-033

CLERK
SO. DIST. OF GA.

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. no. 66.) Plaintiff also filed a reply to Defendant Timmons's motion to set aside default after the Magistrate Judge issued the R&R, which the Court has considered. (Doc. no. 65.) Nothing in Plaintiff's objections and reply undermines the Magistrate Judge's recommendation to warrant a discussion.

Additionally, included his response to Defendant Timmons's motion to set aside default, (doc. no. 58), Plaintiff filed a motion for reconsideration of the Court's August 22, 2019 Order, setting aside default for Defendants Pullins, Hurst and Smith, (doc. no. 58). Plaintiff argues the Court should reconsider its August 22nd Order because new information has come to light showing Defendants Pullins, Hurst and Smith lied in their motions to set aside default about their knowledge concerning retention of counsel and prior involvement in other lawsuits. However, in the July 23, 2019 R&R, the Magistrate Judge adequately

considered these same facts and arguments, which Plaintiff is now only reiterating. (Doc. no. 41.) Further, Plaintiff did not object to the Magistrate Judge's July 23rd R&R. (Doc. no. 44.) Thus, Plaintiff's motion for reconsideration is **DENIED**. (Doc. no. 58.)

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **OVERRULES** Plaintiff's objections, **GRANTS** Defendant Timmons's motions to set aside default, (doc. no. 57), **DENIES** Plaintiff's motion for default judgment and motion for reconsideration, (doc. nos. 51, 58), and **ORDERS** Defendant Timmons to answer, move, or otherwise plead to Plaintiff's amended complaint within seven days of this Order.

SO ORDERED this 29th day of January, 2020, at Augusta, Georgia


UNITED STATES DISTRICT JUDGE