

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

STEPHEN RAY HOKE,

Plaintiff,

v.

MR. LYTE, et al.,

Defendants.

CIVIL ACTION NO.: 6:16-cv-45

**ORDER**

The Court has conducted an independent and *de novo* review of the entire record and concurs with the Magistrate Judge's Reports and Recommendations, (docs. 55, 56). Plaintiff filed an "Objection to Magistrate Reports," (doc. 57).

The Magistrate Judge recommended the Court grant the Motion for Relief from Default Defendants Lyte, Henry, and Williams filed and direct the Clerk of Court to set aside each Defendant's default. Even though the Magistrate Judge concluded these Defendants had entered into default by operation of law due to their failure to file a timely response to Plaintiff's Amended Complaint, the Magistrate Judge also found these Defendants had good cause excusing their defaults. (Doc. 55, pp. 3–5.) While Plaintiff asserts he is objecting to this Report and Recommendation, (doc. 57, pp. 1–2), he did not. Instead, Plaintiff makes assertions relating to his Amended Complaint and these Defendants' Motion to Dismiss. Plaintiff's Objections are not responsive to the Magistrate Judge's Report that these Defendants' defaults be set aside.

Additionally, the Magistrate Judge recommended the Court deny Plaintiff's Motion to Certify Class, (doc. 49). The Magistrate Judge determined Plaintiff could not represent the

interests of his fellow inmates, even if he could meet the requirements of Federal Rule of Civil Procedure 23. (Doc. 56, pp. 2–3.) While Plaintiff does address his putative class action claims, Plaintiff makes no showing the Magistrate Judge erred in finding Plaintiff cannot litigate on behalf of his fellow prisoners.

Accordingly, the Court **OVERRULES** Plaintiff’s Objections and **ADOPTS** the Magistrate Judge’s Reports and Recommendations as the opinions of the Court. The Court **GRANTS** Defendants’ Motion for Relief from Default, (doc. 51), **DIRECTS** the Clerk of Court to **SET ASIDE** each Defendant’s default, and allows each Defendant to defend this action. The Court also **DENIES** Plaintiff’s Motion to Certify Class, (doc. 49).

**SO ORDERED**, this 7th day of March, 2019.



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R. STAN BAKER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA