

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

THOMAS RAY DICKERSON,

Plaintiff,

v.

WARDEN ROBERT ADAMS, Jenkins
Correctional Facility; WARDEN
ADAM JORDAN; and NURSE FNU
PEACOCK,

Defendants.

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CV 617-109

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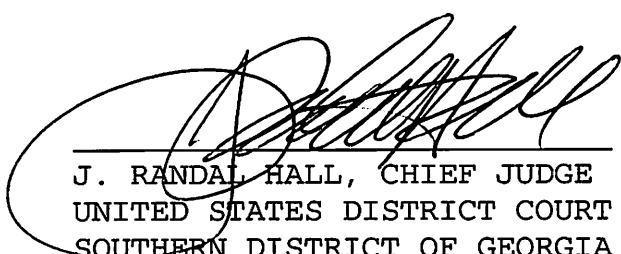
Pending before the Court is Plaintiff's motion for jury trial. (Doc. 69.) Federal Rule of Civil Procedure 38 requires a party to demand a jury trial by "serving the other parties with a written demand - which may be included in a pleading - no later than 14 days after the last pleading directed to the issue is served; and filing the demand in accordance with Rule 5(d)." FED. R. CIV. P. 38(b).

In this case, Plaintiff's amended complaint includes the phrase "Demand for Jury" under the civil action number on the first page of the prisoner complaint form.¹ (Doc. 6, at 1.) Moreover, Defendant Peacock's Answer includes a demand for a jury trial in

¹ Courts have held that such a placement of a demand for jury trial in a complaint complies with Rule 38. See, e.g., Kahn v. Head, 114 F.R.D. 20 (D. Md. 1987).

the prayer for relief. (Doc. 39, at 6.) Neither party specified which issues they wished to have tried by a jury, thus, in accordance with Rule 38(c), a jury trial was demanded by both parties "on all issues so triable." FED. R. CIV. P. 38(c). Accordingly, Plaintiff's motion for jury trial (doc. 69) is **DENIED** as **MOOT**.

ORDER ENTERED at Augusta, Georgia, this 2nd day of November, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA