

**IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
PEORIA DIVISION**

**BETHANY GEILER,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **ANDREW SAUL,** )  
 Commissioner of Social Security )  
 )  
 **Defendant.** )

**Case No. 20-1168**

**ORDER AND OPINION**

Pending before the Court is Plaintiff’s Motion for Default [8]. For the reasons stated below, this motion is denied.

On September 7, 2020, the Court ordered Plaintiff to serve the Defendant with the Complaint and file the executed summons with the Court on or before October 30, 2020 because the case had been pending for many months and it appeared Plaintiff had not yet served Defendant. Shortly after the Court entered that order, Plaintiff filed a motion for default, attaching a mail tracking print out from the internet indicating that a package was delivered to an address in Chicago, Illinois on August 12, 2020, a different package was delivered to an address in Washington, DC on August 17, 2020, and a third package was delivered to Springfield, Illinois on August 12, 2020. On October 6, 2020, Defendant Commissioner of Social Security filed a motion indicating that the service was completed on August 17, 2020. Accordingly, Defendant argues that it has until December 15, 2020 to file a responsive pleading under Local Rule 8.1(d) unless the Court dismisses Plaintiff’s complaint for failure to file a copy of the executed summons.

Because Defendant indicates that it was served on August 17, 2020, the Court is satisfied that Plaintiff served Defendant and Plaintiff is relieved of any further obligation to provide proof of service. Defendant's deadline to respond to Plaintiff's complaint, however, has not yet run. Accordingly, Plaintiff's Motion for Default [8] is DENIED.

ENTERED this 13th day of October, 2020.

/s/ Michael M. Mihm  
Michael M. Mihm  
United States District Judge