

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MIKE D. RUSSELL,)
Plaintiff,)
v.) Case No. 16 C 5950
KITCHEN SUPERVISOR BRUCE)
JOHN DOE, et al.,)
Defendants.)

MEMORANDUM ORDER

During the final stages of the terminal illness of this Court's good friend and colleague Honorable John Darrah (whose untimely death came just yesterday, March 23), various of Judge Darrah's cases were reassigned to this Court and others among his colleagues via the computerized random assignment system in effect in this District Court. This action, brought prose by Mike Russell ("Russell") against Cook County Sheriff Tom Dart and a number of "Doe" members of the staff at the Cook County Department of Corrections ("County Jail") while Russell was in custody there (no doubt as a pretrial detainee),¹ is among the cases that have come to this Court's calendar.

As always in such reassignment situations, this Court promptly printed out the case docket and found a puzzling situation. Judge Darrah had entered an August 4, 2016 order, some two months after the Complaint was filed, in which Russell was given leave to proceed in forma

¹ Russell is currently a prisoner at the Pinckneyville Correctional Center ("Pinckneyville") at Pinckneyville, Illinois.

pauperis, with Sheriff Dart being designated "as a nominal defendant solely for the purpose of identifying the John Doe Defendants." At the same time Russell's motion for attorney representation was denied without prejudice.

Next Sheriff Dart executed a waiver of service (Dkt. No. 12) so that his answer was due on November 7. but then nothing happened until Judge St. Eve was assigned to the case for the limited purpose of extending the answer date to January 24, 2017 (Dkt. No. 17). At that point Judge Darrah entered a January 25 order memorialized in this minute entry (Dkt. No. 18):

Status hearing set for 1/31/17 is re-set to 3/2/17 at 9:30 a.m. Defendant's, whose answer is overdue, failure to appear may result in a finding of default. Defendant shall arrange for Plaintiff to appear by telephone at the status. The Clerk is directed to send a copy of this order to Anthony E. Zecchin, Cook County State's Attorney's Office, 500 Richard J. Daley Center, Chicago, IL 60602.

After Sheriff Dart sought and was granted a further extension of time to file his responsive pleading, he filed his Answer (Dkt. No. 26) on March 2.

Given that chain of events as reported in the docket, what is puzzling is Russell's motion (Dkt. No. 28), received in the Clerk's Office on March 6, in which he seeks a default judgment as to the Doe defendants, asserting that they have been served but have not filed any responsive pleading. But the docket reflects no record of service on (or, indeed, any last names for) the other defendants, each of whom Russell's Complaint designates by a first name attached to a "Doe" substitute for a last name.

In an effort to unravel the tangled web described here, this Court sets a status hearing for 8:45 a.m. April 10, 2017. Either of the two Cook County Assistant State's Attorneys assigned to the case -- Patrick Russell or Anthony Zecchin -- is ordered to appear at that time and to make

arrangements for plaintiff Russell to participate in that status hearing telephonically.



Milton I. Shadur
Senior United States District Judge

Date: March 24, 2017