IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SHAUNTEZ T. HAIRSTON,   )
)
    Plaintiff,   )
)
v.   )   Case No. 3:07-cv-687-MJR
)
KENNETH McCAIN, et al.,   )
)
    Defendants.   )

ORDER

Now pending before the Court are Plaintiff Shauntez Hairston's Motions for Judgment in

Favor of Plaintiff (Doc. 21) and to Compel Defendants McCain and Reddy to Answer the Complaint

(Doc. 35). For the reasons set forth below, both motions are **DENIED**.

MOTION FOR JUDGMENT IN FAVOR OF PLAINTIFF

In this motion, filed February 6, 2009, Plaintiff states his belief that his case has been

unnecessarily delayed. He asks the Court to explain to him why the case has not proceeded and to

render judgment in his favor forthwith so that the defendants are not allowed "to get away with

being deliberately indifferent to my mental health needs." Since Plaintiff filed this motion, his case

has been referred to the undersigned magistrate judge for disposition of pretrial matters, all

defendants have been served, and all but two have filed a responsive pleading. In short, since the

filing of the motion, Plaintiff's case has proceeded in an appropriate and timely manner. Thus,

Plaintiff's request for judgment (Doc. 21) is **DENIED as MOOT**.

MOTION TO COMPEL DEFENDANTS TO ANSWER THE COMPLAINT

The docket reflects that a waiver of service was returned executed as to Kenneth McCain on

March 18, 2009, and that his answer, or other responsive pleading, is due by May 4, 2009 (Doc. 31).

The docket also reflects that a waiver of service as to Defendant Reddy was returned executed on

March 26, 2009. Defendant Reddy's answer is also due on May 4, 2009 (Doc. 34). Thus, Plaintiff's

Motion to Compel is premature because Defendants McCain and Reddy have until May 4, 2009, to

file a responsive pleading. For that reason, Plaintiff's Motion to Compel Defendants McCain and

Reddy to Answer Complaint (Doc. 35) is **DENIED without prejudice**.

IT IS SO ORDERED.

DATED: April 27, 2009

s/ *Donald G. Wilkerson*
DONALD G. WILKERSON
United States Magistrate Judge