

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

DAVID GEVAS,)	
)	
Plaintiff,)	
)	
Vs.)	Case No. 11-cv-0325-MJR-SCW
)	
JOYCE HOSKINSON,)	
JOHN DOES and JANE DOES (Mailroom)	
Staff at Lawrence Correctional Center),)	
)	
Defendant.)	

ORDER DENYING DEFAULT JUDGMENT MOTION

REAGAN, District Judge:

In this prisoner civil rights lawsuit filed under 42 U.S.C. § 1983, David Gevas asserts claims arising from incidents which occurred while he was confined at Lawrence Correctional Center. These claims were severed from (as unrelated to) other claims contained within a complaint Gevas filed in Case No. 10-cv-0493-MJR. A May 26, 2011 amended complaint filed in this severed action alleges that Joyce Hoskinson (Mailroom Supervisor at Lawrence) and other mailroom staff at Lawrence (John and Jane Does) intentionally opened and wrongfully delayed delivery of Plaintiff’s legal mail, thereby violating his First Amendment right to court access “as well as the attorney-client privilege” (Doc. 11, p. 7). Plaintiff filed several motions, including one by which he obtained additional time in which to pay his filing fee for this action.

Defendant Hoskinson was served on April 15, 2011 with the original complaint and summons from 10-cv-0493-MJR. The undersigned Judge directed that Plaintiff serve Defendant Hoskinson with the *amended* complaint. A certificate of service provided by Plaintiff (Doc. 20) indicates that Plaintiff mailed a copy of the amended complaint to Hoskinson on June 13, 2011. By Order dated June 28, 2011, the undersigned Judge ordered Defendant Hoskinson to file an appropriate responsive pleading to the amended complaint and “not waive filing a reply pursuant to 42 U.S.C. § 1997e(g)” (Doc. 24, pp. 3-4).

Shortly thereafter, Plaintiff Gevas filed another motion to extend the deadline for paying his filing fee. Magistrate Judge Williams ordered Plaintiff to provide certain information by June 25, 2011. In his response to that Order (filed July 25, 2011, Doc. 31),

Plaintiff also moved for default judgment against Defendant Hoskinson. The Court now denies that motion.

Hoskinson's responsive pleading was due by July 19, 2011. Review of the docket sheet reveals that, indeed, Hoskinson filed an answer (and affirmative defenses) to Plaintiff's amended complaint on July 19, 2011 (Doc. 30). Hoskinson timely responded to the amended complaint, and the Court hereby DENIES Gevas' motion for default judgment (Doc. 32).¹

IT IS SO ORDERED.

DATED July 26, 2011.

s/ Michael J. Reagan
Michael J. Reagan
United States District Judge

¹ Additionally, the Court notes that any request for default *judgment* under Rule 55(b) is premature until a plaintiff secures a clerk's entry of default under Rule 55(a).