

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

KEVIN J. ICKES,

Plaintiff,

v.

USA, *et al.*,

Defendants.

Case No. 15-cv-00907-JPG-SCW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Kevin J. Ickes' Motion (Doc. 45) Pursuant to Fed.R.Civ.P. 37(B)(2)(A)(VI) for Default Judgment. The response time has not yet expired, but a response is not necessary as the plaintiff has failed to comply with the provisions for sanctions under Rule 37.

Rule 37(a)(1) states that the motion, "must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." Plaintiff's motion does not contain the required certification and therefore, must be denied.

The Court also notes that the Plaintiff is requesting that the Court enter a default judgment against the "government" where the "government's disclosure was evasive and/or incomplete." Defendant USA has been dismissed from this matter. (Doc. 9). As such, plaintiff's motion fails to identify which defendant(s) that he seeking to have sanctioned.

The Court acknowledges that the plaintiff is *pro se* and as such, the Court will advise the plaintiff that the proper means in which to proceed with regard to a discovery dispute is to notify the opposing party of the dispute and, if the dispute is not resolved between the parties, to file a

motion to compel pursuant to Rule 37(a)(3)(B). If the Court grants the motion to compel and the defendant then fails to provide an adequate response, the plaintiff may then motion under Rule 37(b). Further, if additional time is needed to obtain the information pertaining to the unknown defendants, plaintiff should file a request for extension of time to amend his complaint.

Based on the foregoing, Plaintiff Kevin J. Ickes' Motion (Doc. 45) Pursuant to Fed.R.Civ.P. 37(B)(2)(A)(VI) for Default Judgment is **DENIED**.

IT IS SO ORDERED.

DATED: 4/19/2016

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE