

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

JOSHUA W. KRUGER,

Plaintiff,

v.

JOHN BALDWIN, *et al.*,

Defendants.

Case No. 18-cv-512-NJR

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

This matter is before the Court for case management purposes. James Mallory was issued a summons by certified mail on March 13, 2020 (Docs. 90, 109). On July 22, 2020, that summons was returned executed, noting that he was served on June 29, 2020 (Doc. 109). Mallory's Answer was due July 20, 2020. As of this date, he has failed to move, answer, or otherwise plead in response to the Complaint.

The Federal Rules of Civil Procedure provide that the Clerk of Court must enter default against a defendant who has failed to plead or otherwise defend. Fed. R. Civ. P. 55(a). Accordingly, the Court **ORDERS** as follows:

- (1) The Clerk of Court is **DIRECTED** to **ENTER DEFAULT** against Defendant James Mallory in accordance with Federal Rule of Civil Procedure 55(a).
- (2) Plaintiff is **ORDERED** to move for default judgment against Defendant Mallory on or before **August 26, 2020**, in accordance with Federal Rule of Civil Procedure 55(b).
- (3) If Plaintiff fails to move for default judgment as set forth in this Order, this entire action will be dismissed as to Defendant James Mallory for failure to prosecute and/or failure to comply with an

order of the Court.

- (4) The Clerk of Court is **DIRECTED** to transmit a copy of this Order and the entry of default to Plaintiff and to Defendant James Mallory.

IT IS SO ORDERED.

DATED: August 5, 2020

A handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style and is positioned above a horizontal line. A faint circular seal is visible behind the signature.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge