

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

DAVID R. DYSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:14-CV-389 JD
	)	
MEGAN J. BRENNAN, Postmaster	)	
General,	)	
	)	
Defendant.		

**OPINION AND ORDER**

Now before the Court is Plaintiff David R. Dyson's motion for default judgment. [DE 40]. Mr. Dyson, who is proceeding pro se, filed this employment action on October 24, 2014. Prior to the defendants' appearances, Mr. Dyson filed a first amended complaint. Then, in response to a motion to dismiss, he moved for leave to file a second amended complaint, which the magistrate judge granted in part on July 16, 2015. Consistent with the magistrate judge's order, Mr. Dyson filed his second amended complaint on July 30, 2015. [DE 35]. However, the Postmaster, the one remaining defendant, did not file her answer until August 21, 2015, which was after the time allotted under the Federal Rules of Civil Procedure had expired. [DE 39]. Thus, Mr. Dyson filed his motion for default judgment.<sup>1</sup> [DE 40].

In responding to the motion for default judgment, the Postmaster acknowledges that her answer was untimely, but she argues that it was only late by four days, and that the short delay does not justify the entry of a default. In his reply, Mr. Dyson correctly notes that the Postmaster's answer was late by more than four days. In calculating the time to file an answer, the Postmaster argues that Rule 15(a)(3) allowed 14 days to answer the amended complaint, and

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<sup>1</sup> Mr. Dyson's motion is not signed, as required by Rule 11(a). Since the motion is being denied on its merits, the Court need not direct Mr. Dyson to properly sign the filing.

