

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

MARTIN C. GOLUB,)	
)	
Plaintiff,)	
v.)	No. 1:09-cv-380-LJM-TAB
)	
ROGER GOODES, et al.,)	
)	
Defendants.)	

**Entry Discussing Motions for Default and
Applications For Default and Entry of Default**

Plaintiff Golub has filed a motion for default (dkt 118-1) accompanied by his application for default and for entry of default (dkt 118). These filings pertain to his claim against Jane Doe #1. Similar motions and applications have been filed by Golub as to Jane Doe #2, Jane Doe #3, and Jane Doe #4. These are items entered on the docket as numbers 119-1, 119, 120-1, 120, 121-1, and 121.

Claims against the Jane Doe defendants were dismissed in paragraph 2 of the Entry issued on July 16, 2009. Those claims have not been reinstated. A defendant against whom claims within an action are asserted is under no obligation to respond to those claims or litigate the matter. The plaintiff's unusual connection of the Jane Doe designation with individuals identified by name does not revive the claim against the named individuals as claims against the dismissed Jane Doe defendants. The plaintiff supports his request for an entry of default and a default judgment by his statement that these defendants were served "in which [their] employer accepted service of the Summons, Petition, and other papers but has refused to answer." (dkt 118, p. 1.) The court notes, additionally, that the plaintiff seeks an entry of default and the issuance of a default judgment against these defendants in both their individual and official capacities.

The motions and applications are **denied** as to relief sought against these defendants in their official capacities because in such fashion the plaintiff's claims are in all respects other than name against the United States of America, who is the employer of these defendants, and there are no allegations or claims plausibly indicating that the United States' sovereign immunity has been waived.

Insofar as the plaintiff seeks a default judgment and the entry of default as to these defendants in their individual capacities, he has failed to demonstrate that these defendants authorized their employer to accept service of process on their behalf.

Accordingly, the plaintiff's motions for default and applications for default and entry of default as identified in this Entry are each **denied**.

IT IS SO ORDERED.

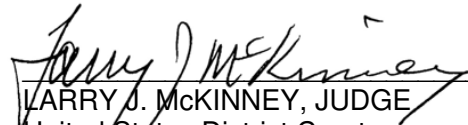
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LARRY J. MCKINNEY, JUDGE
United States District Court
Southern District of Indiana