

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

MICHAEL HUGHES,)	
)	
Plaintiff,)	
v.)	1:09-cv-1536-TWP-TAB
)	
OFFICER ASH,)	
)	
Defendant.)	

ENTRY

I.

"District judges have no obligation to act as counsel or paralegal to pro se litigants." *Piiler v. Ford*, 542 U.S. 225, 231 (2004). This explains why the court declines to educate the plaintiff in the manner sought previously and again in his filing of September 15, 2010.

As to the latter filing, moreover, the plaintiff appears to equate the defendant's employer, the Indiana Department of Correction, with the defendant himself for the purpose of bearing liability for any recovery to which the plaintiff may become entitled. The defendant's employer is not liable in the manner implied through this incorrect thinking. *Rodriguez v. Plymouth Ambulance Serv.*, 577 F.3d 816 (7th Cir. 2009). In addition, the plaintiff also reveals his belief that the defendant is in default for not having filed an answer to the complaint. This impression is also mistaken, because as explained in *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 351 (1999), "[u]nless a named defendant agrees to waive service, the summons continues to function as the *sine qua non* directing an individual or entity to participate in a civil action or forgo procedural or substantive rights." See *Omni Capital Int'l, Ltd. v. Rudolf Wolff & Co.*, 484 U.S. 97, 104 (1987) ("Before a . . . court may exercise personal jurisdiction over a defendant, the procedural requirement of service of summons must be satisfied."). Without acquiring jurisdiction over the defendant, the defendant's obligation to answer the complaint has not been triggered.

If the plaintiff seeks an entry of default against the defendant, he may, of course, request that step.

II.

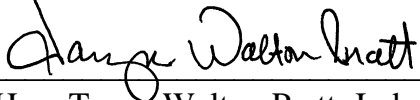
The clerk shall include a copy of the docket sheet with the plaintiff's copy of this Entry.

IT IS SO ORDERED.

Date: 09/17/2010

Distribution:

Michael Hughes
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Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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