

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

WILLIAM JEROME BIBBS,)
Plaintiff,)
vs.) Case No. 1:16-cv-03338-TWP-DML
THE UNITED STATES OF AMERICA,)
Dr. WILSON, Dr. KOJIMAD,)
Defendants.)

Entry Discussing Pending Motions

This matter is before the Court on two pending motions which the Court will address in turn.

I. Copy Request

The plaintiff's motion for a copy of 1) the second amended complaint and attachments filed March 24, 2017, and 2) summons for Dr. Wilson and Dr. Kojiad, dkt [38], is **granted**.

The **clerk is directed** to include a copy of docket numbers 12 and 23, along with the plaintiff's copy of this Entry.

II. Entry of Default

The plaintiff's motion for Clerk's Entry of Default, dkt [41], is **denied**. This is because the time to answer or otherwise respond to the complaint was extended through October 25, 2017. In addition, this action is subject to the requirements of the Prison Litigation Reform Act ("PLRA"). The Supreme Court has made it clear that "unlike in the typical civil case, defendants do not have to respond to a complaint covered by the PLRA until required to do so by the court, and waiving

the right to reply does not constitute an admission of the allegations in the complaint.” *Jones v. Bock*, 549 U.S. 199, 213–14 (2007); 42 U.S.C. § 1997e(g)(2).

IT IS SO ORDERED.

Date: 9/28/2017



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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