

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

PHILIP GIBSON

CIVIL ACTION

VERSUS

NUMBER: 13-0463

MARLIN GUSMAN, ET AL.

SECTION: "G" (5)

ORDER ON MOTION
SEPTEMBER 12, 2013

APPEARANCES:

MOTION:

- (1) Plaintiff's Motion for Default Judgment (Rec. doc. 43).
- (2) Plaintiff's Order to Show Cause for a Preliminary Injunction (Rec. doc. 44).

_____: Continued to

_____: No opposition

_____: Opposition

ORDERED

_____: Dismissed as moot.

_____: Dismissed for failure of counsel to appear.

_____: Granted.

1, 2 : Denied.

- 1: The Clerk of Court has not entered a default under Rule 55(a) of the Federal Rules of Civil Procedure and this case is subject to the provisions of the Prison Litigation and Reform Act which provides that no relief shall be granted to a plaintiff until the defendant has filed a reply. 42 U.S.C. §1997e(g)(1); Griffin v. Foti, No. 03-CV-1274, 2003 WL 22836493 at *1 (E.D. La. Nov. 24, 2003). Moreover, the Court's order of July 22, 2013 (rec. doc. 36) directed the defendants to file a response to plaintiff's motion for leave to supplement his complaint which they did on July 26, 2013. (Rec. doc. 37). The order did not direct the defendants to file an answer to plaintiff's supplemental complaint and, in any event, plaintiff's motion to supplement was denied on August 12, 2013. (Rec. doc. 38).
- 2: Alleged mail interference was not pled by plaintiff in his original or supplemental complaints. (Rec. docs. 1, 4, 12). In addition, plaintiff makes no showing that his position as a litigant was prejudiced or that his legal mail was censored. Walker v. Navarro County Jail, 4 F.3d 410, 413 (5th Cir. 1993).

_____ : Other.



ALMA L. CHASEZ
UNITED STATES MAGISTRATE JUDGE