UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

MARSHALL REEDOM, JR. CIVIL ACTION NO. 12-2037

VERSUS JUDGE DOHERTY

LOUIS M. ACKAL, ET AL. MAGISTRATE JUDGE HANNA

MEMORANDUM RULING

Pending before this Court is a "Motion for Summary Judgment" [Doc. 6] filed by *pro se* plaintiff Marshall Reedom, Jr. In his motion, which appears to be a form-pleading containing several blank spaces that are not filled in, Mr. Reedom alleges the defendants have "defaulted in this case by refusing to answer the summons and they have refused to answer the Judges requested [sic] from August 2012."[1] The specific relief requested by Mr. Reedom is unclear to the Court. The motion is unopposed by defendants Louis M. Ackal, Farrell Bonin, and the Sheriff's Department of Iberia Parish, most certainly because the aforementioned defendants have not been served with copies of the complaint or been issued a summons.

After review of the motion as submitted, it is clear Mr. Reedom has not met his burden to show he is entitled to any relief– whatever that relief might be – on procedural grounds. Although Mr. Reedom's very brief "Statement of Facts," attached to the motion, contains a reference to Rule 55 of the Federal Rules of Civil Procedure, which governs default judgments under federal law, Mr.

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[1] It appears the reference to "the Judges requested [sic] from August 2012" refers to the magistrate judge's Order, filed on August 2, 2012, directing any attorney appearing as counsel of record in this case who is not presently admitted to practice in this Court to either file an application to practice in this Court, file a motion for admission *pro hac vice*, or secure substitute counsel. The foregoing order is issued as a matter of course in cases transferred to this court from other courts. The record shows this case was transferred to this Court from the Northern District of Illinois. The order typically does not pertain to *pro se* plaintiffs and does not yet apply to the defendants in this case, who are not represented by any counsel as yet, as the defendants have made no appearance in the case.

Reedom fails to set forth the applicable standard and/or accompanying jurisprudence governing default judgments. Also, it is clear the defendants have not been served with the complaint and/or summons, therefore, a default judgment against them would be improper at this time.

Considering the foregoing, IT IS ORDERED that the Motion for Summary Judgment [Doc. 6] filed by Mr. Reedom is DENIED at this time. Mr. Reedom cannot obtain a default judgment against the defendants, nor are the defendants required to answer the lawsuit, until they have been properly served with copies of the complaint and summons.

THUS DONE AND SIGNED in Lafayette, Louisiana this 30 day of January, 2013.

REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE