

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**SOLOMON S. KENNEDY,** **PLAINTIFF**  
**V.** **NO. 4:07CV0187-WAP-DAS**  
**CHRISTOPHER B. EPPS, et al.,** **DEFENDANTS**

**CONSOLIDATED WITH**

**SOLOMON S. KENNEDY,** **PLAINTIFF**  
**V.** **NO. 4:08CV040-WAP-DAS**  
**CHRISTOPHER B. EPPS, et al.,** **DEFENDANTS**

**ORDER**

This matter is before the court on Plaintiff's motion for a default judgment against a number of Defendants. Plaintiff's *pro se* § 1983 complaints were filed on November 8, 2007 and March 24, 2008. The two cases were consolidated on May 19, 2008. On February 12, 2009, the Clerk of the Court filed an entry of default against some of the Defendants. Plaintiff filed his motion for default judgment on February 27, 2009, and days later an amended answer was filed on March 2, 2009. Some Defendants have failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure. The Defendants who have failed to enter an appearance in this matter have not been served with process.

Accordingly, it is **ORDERED** that:

- (1) Plaintiff's motion for default judgment (docket entry 44) is **DENIED**.
- (2) Defendants Stephen Harris, Terrence Rogers and Safari Clayborne are inmates who are not proper parties to a Section 1983 action. 42 U.S.C. § 1983; *Rosborough v. Mgmt. & Training Corp.*, 350 F.3d 459, 460 (5th Cir. 2003). Therefore, these Defendants are **DISMISSED**.

(3) Plaintiff has named as Defendants “Lt. Walker” and “CO. Steel.” The court is informed that there a number of MDOC employees with this title and surname. Plaintiff is directed to be more specific, if he can, by providing the first name of each of these Defendants and the date, time and/or shift and location that each worked related to his complaint. Plaintiff should provide his response within twenty (20) days of this order.

(4) Within ten (10) days of Plaintiff’s response, and if sufficiently identified, MDOC shall provide the last known addresses or accept process for “Lt. Walker” and “CO. Steel.”

(5) Also within ten (10) days of Plaintiff’s response, MDOC shall additionally provide a last known address for Defendants Barbara Crocker, Captain Casey, Captain Shelby, Captain Armstrong, D.C. Powell, Lt. Wills, Doctors Kim and Juan Santos.

(6) Since the Plaintiff is incarcerated, MDOC shall provide this information to the court and the clerk of the court is directed to place the information under seal.

**SO ORDERED:**

THIS, the 30<sup>th</sup> day of March, 2009.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE