

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

HENRY HINTON, JR.

PLAINTIFF

VS.

CIVIL ACTION NO. 5:15-cv-77(DCB)(MTP)

PIKE COUNTY, ET AL.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on the plaintiff Henry Hinton, Jr.'s Motion for Default Judgment (**docket entry 79**) and on Magistrate Judge Michael T. Parker's Report and Recommendation regarding same (**docket entry 84**). Having carefully considered the plaintiff's motion and the Magistrate Judge's Report and Recommendation, to which no objections were filed by the plaintiff, the Court finds as follows:

On April 28, 2016, the plaintiff filed a Motion to Amend (docket entry 42), in which he sought to add Sheriff Mark Sheppard, Captain Glen Green, and Lieutenant Smith as defendants. That same day, the Magistrate Judge granted the plaintiff's motion and directed the Clerk of Court to issue a Notice of Lawsuit and Request to Waive Service of a Summons to those defendants. See Order (docket entry 43). On August 4, 2016, defendants Sheppard, Green, and Smith submitted a waiver of service of summons (docket entry 59). At an omnibus hearing held on October 26, 2016, the Magistrate Judge found good cause to extend those defendants' deadline to answer, and directed them to file their answer or other

responsive pleading on or before November 11, 2016. See Order (docket entry 65). On November 7, 2016, defendants Sheppard, Green, and Smith filed an Answer (docket entry 67). On December 21, 2016, however, the plaintiff filed a Motion for Entry of Default Judgment (docket entry 79), arguing that the defendants "failed to file an answer."

In his Report and Recommendation, Magistrate Judge Parker finds that inasmuch as the defendants filed their Answer within the deadline set by the Court, the plaintiff's Motion for Default Judgment should be denied. The Court adopts the Report and Recommendation and shall deny the Motion for Default Judgment.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Michael T. Parker's Report and Recommendation (**docket entry 84**) is adopted as the findings and conclusions of this Court;

FURTHER ORDERED that the plaintiff Henry Hinton, Jr.'s Motion for Default Judgment (**docket entry 79**) is DENIED.

SO ORDERED, this the 7th day of April, 2017.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE