

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

ROBERT MONGLER,

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Plaintiff,

)

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vs.

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Case No. 2:17 CV 6 CDP

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BRIAN KNIGHT, et al.,

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)

Defendants.

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MEMORANDUM AND ORDER

This case is before the Court on two motions. Plaintiff seeks entry of default against certain defendants because those defendants failed to file an answer after I denied their motion to dismiss. In response to that motion, the defendants filed a document arguing that it would be unjust to enter default against them because they inadvertently failed to file an answer, and then they filed their answer, but failed to seek leave of Court to do so. One defendant also filed a motion for reconsideration of the denial of its motion to dismiss.

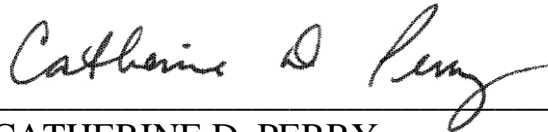
In the interests of justice I will deny the plaintiff's motion and will deem defendants' answer to have been filed with leave of court. In the future defendants are warned that failure to comply strictly with the Federal Rules of Civil Procedure may not be met with such lenience.

I will also deny the motion to reconsider. I continue to believe my conclusions in the order were correct.

Accordingly,

IT IS HEREBY ORDERED that the motion for clerk's default [45] and the motion to reconsider [48] are denied.

IT IS FURTHER ORDERED that the answer filed on July 28, 2017 is deemed timely filed with leave of Court.

A handwritten signature in black ink, reading "Catherine D. Perry", written over a horizontal line.

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of August, 2017.