

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROBERT R. STEWART,	)	4:12CV3184
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
DOROTHY SKORUPA, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on Plaintiff's Notice of Intent to Serve Subpoenas, and Motion for Default Judgment. (Filing Nos. [19](#) and [21](#).) Also pending is Defendants' Objection to Plaintiff's Notice of Intent to Serve Subpoenas. (Filing No. [20](#).)

#### **A. Notice of Intent to Serve Subpoenas**

Plaintiff has filed a notice of his intent to serve subpoenas under Rule 45 of the Federal Rules of Civil Procedure. Plaintiff is reminded that shortly after he filed this action, the clerk's office delivered to him a copy of the court's General Order Number 2007-12, which states that "[n]o discovery in pro se civil cases assigned to a district judge shall take place until . . . a progression order is entered unless permitted by the court." (Filing No. [4](#) at CM/ECF p. 1.) Here, the court has not entered a progression order, and will not enter one until after it has ruled on Defendant Patricia Sue Hartwell's Motion to Dismiss. (See Filing No. [18](#).) Accordingly, the court will sustain Defendants' Objection to Plaintiff's Notice of Intent to Issue Subpoenas. (Filing No. [20](#).) Plaintiff may not engage in discovery until the court enters a progression order.

## **B. Motion for Default Judgment**

Plaintiff moves the court to enter default judgment against Defendants because they “failed to respond to Plaintiff’s Complaint within a short period of time.” (Filing No. [21](#).) On January 9, 2013, the court granted Defendants a 30-day extension of time in which to serve responsive pleadings, and ordered that they serve their responsive pleadings by February 11, 2013. (Text Orders dated January 9 and 11, 2013.) Defendants served their responsive pleadings on February 11, 2013. (Filing Nos. [17](#) and [18](#).) As such, Defendants filed their responsive pleadings within the time prescribed by the court. Accordingly, the court will overrule Plaintiff’s Motion for Default Judgment. (Filing No. [21](#).)

IT IS THEREFORE ORDERED that:

1. Defendants’ Objection to Notice (Filing No. [20](#)) is sustained.
2. Plaintiff’s Motion for Default Judgment (Filing No. [21](#)) is overruled.

DATED this 28<sup>th</sup> day of March, 2013.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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