

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Raqib Abdul Al-Amin,)	C/A No. 0:13-1176-DCN-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Dennis Bush, Rhonda Sutton, Loyd Roberts,)	
Glenn Sharman, and Regginald Cruz,)	
)	
Defendants.)	
_____)	

Plaintiff Raqib Abdul Al-Amin, a self-represented state prisoner, filed this action pursuant to 42 U.S.C. § 1983 alleging a violation of his constitutional rights. This matter is before the court pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) DSC on Al-Amin’s motion for an entry of default. (ECF No. 46.) The defendants filed a response in opposition. (ECF No. 47.) Having carefully reviewed the parties’ submissions, the court finds that Al-Amin’s motion should be denied.

Al-Amin’s motion acknowledges that the defendants’ initial deadline to file an answer or otherwise plead was October 18, 2013. He also acknowledges that the defendants moved for and were granted an extension of this deadline until November 15, 2013. He appears to allege that, as of the date of his motion (the envelope shows a prison mailroom stamp date of November 18, 2013), he had not received any response from the defendants. (ECF No. 46.) In response to Al-Amin’s motion, the defendants point out that their Answer to Al-Amin’s Complaint was filed with the court on November 14, 2013. (ECF No. 47; see Answer, ECF No. 43.) They also attach a certificate of

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service showing that their Answer was mailed to Al-Amin at his address of record¹ on November 14, 2013. (See ECF No. 47-1.)

Federal Rule of Civil Procedure 55(a) clearly states that the court must enter a party's default "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend." The court also notes that, as a general matter, the law disfavors default judgments. Tazco, Inc. v. Dir., Office of Workers Comp. Program, U.S. Dep't of Labor, 895 F.2d 949, 950 (4th Cir. 1990). As the defendants timely filed an Answer to Al-Amin's Complaint, Al-Amin cannot show that the defendants have "failed to plead or otherwise defend." Fed. R. Civ. P. 55(a). Therefore, entry of default is not appropriate.

Accordingly, it is hereby

ORDERED that Al-Amin's motion for an entry of default (ECF No. 46) is denied.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

March 18, 2014
Columbia, South Carolina

¹ At the time the defendants filed their Answer, Al-Amin was housed at Perry Correctional Institution. Subsequently, in January 2014, Al-Amin filed a notice of change of address with the court, informing the court that he had been transferred to McCormick Correctional Institution. (ECF No. 61.)