IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

JOSHUA M. QUIRK	§	
VS.	§	CIVIL ACTION NO. 1:10-CV-68
MITCH WOODS, *et al.,*	§	

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**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

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Plaintiff, Joshua M. Quirk, an inmate formerly confined at the Jefferson County Correctional Facility in Beaumont, Texas, proceeding *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is represented by court appointed counsel David J. Healy and Bailey Kathleen Harris.

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends plaintiff's motion to enter default judgment as to defendant Stegall be granted but denied as to defendant Randle. In addition, the Magistrate Judge recommends defendant Randle's motion to set aside default and motion to file an out of time answer be granted.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

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ORDER

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Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. Plaintiff's motion for default

judgment as to defendant Randle is **DENIED**. Defendant Randle's motion to set aside default

and motion to file an out of time answer is **GRANTED**. It is further

ORDERED that plaintiff's motion for default judgment as to defendant Stegall is

GRANTED with respect to the issue of liability. The Magistrate Judge is directed to conduct an

evidentiary hearing with respect to the issue of damages.

So **ORDERED** and **SIGNED** on September 12 , 2013.

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Ron Clark, United States District Judge