

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

KEVIN S. TURNER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:15-cv-00108-TWP-DKL
)	
T. RECTOR, <i>Sergeant, in his Individual and</i>)	
<i>Official Capacities.</i>)	
)	
Defendant.)	

Notice of Action to Defendant and Entry Denying Request for Default Judgment

I.

To: Sgt. Thomas Rector
Correctional Industrial Facility
5124 W. Reformatory Rd.
Pendleton, IN 46064

You have been named defendant in the above lawsuit. You have received notice of this lawsuit and a form whereby you could acknowledge that receipt and waiver of your right to notification via service by summons. You signed that acknowledgement and waiver form on February 12, 2015, and returned it to the clerk on February 17, 2015. Your execution and return of the acknowledgement and waiver form obligated you to take certain steps toward the development of this lawsuit. Those steps are linked to a specific timetable. Specifically, at this point, you are required to appear in the action and to file an answer or other responsive pleading to the complaint.

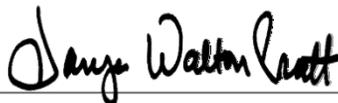
You are to proceed as outlined above and as provided for in the acknowledgement and waiver form. The action is stayed for a period of 30 calendar days from the issuance of this Entry

for you to proceed as directed. If that period expires and no answer or other responsive pleading has been filed, you will be at risk for the issuance of an entry of default or other sanctions.

II.

Consistent with the foregoing, the plaintiff's request for a default judgment [dkt. 18] is **denied** at this time. If the defendant fails to answer or otherwise respond to the complaint as directed above his default will be entered consistent with Rule 55(a) of the Federal Rules of Civil Procedure. After that step has been taken, the court will consider entering a default judgment consistent with Rule 55(b) (a step which most likely would require a hearing). This is consistent with the requirements of the Prison Litigation Reform Act ("PLRA"). The Supreme Court has made it clear that "unlike in the typical civil case, defendants do not have to respond to a complaint covered by the PLRA until required to do so by the court, and waiving the right to reply does not constitute an admission of the allegations in the complaint." *Jones v. Bock*, 549 U.S. 199, 213–14 (2007); 42 U.S.C. § 1997e(g)(2).

Date: 5/14/2015



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

KEVIN S. TURNER
922829
THE GEO GROUP, INC.
New Castle "Correctional Facility (NCN)
PO Box "E"
New Castle, IN 47362

Sgt. Thomas Rector
Correctional Industrial Facility
5124 W. Reformatory Rd.
Pendleton, IN 46064