

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JEFFREY J. SPERRY,

Plaintiff,

v.

CASE NO. 18-3119-SAC

CORIZON HEALTH, INC., et al.,

Defendants.

ORDER

This matter is before the Court on Plaintiff's Request for Entry of Default Judgment (ECF No. 15). Plaintiff asks the Court to enter judgment against Defendant Corizon Health, Inc., because Corizon failed to file an answer by November 19, 2018, the date Plaintiff alleges an answer was due.

However, Corizon's answer to the Complaint is not yet due. The Court's Order of October 17, 2018, directed the Kansas Department of Corrections (KDOC) to prepare and file a *Martinez* report. The Order further provided that upon the filing of the report, "the AG/Defendants shall have an additional **sixty (60) days** to answer or otherwise respond to the Complaint." *See* ECF No. 9 at 2. KDOC has not yet filed the *Martinez* report; therefore, Corizon's answer is not yet due.

IT IS THEREFORE ORDERED that Plaintiff's Request for Entry of Default Judgment (ECF No. 15) is **denied**.

IT IS SO ORDERED.

Dated in Topeka, Kansas, on this 7th day of May, 2019.

s/ Sam A. Crow
SAM A. CROW
U. S. Senior District Judge