

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
ILLINOIS

Joshua S. Headrick v. Jerod Gott

Headrick v. Gott · No. 25-cv-00180-JPG · Decided February 4, 2026

SUMMARY

The United States District Court for the Southern District of Illinois orders the Clerk to enter default against Defendant Jerod Gott under Federal Rule of Civil Procedure 55(a) after he failed to respond to the First Amended Complaint. The Court directs Plaintiff to move for default judgment by February 24, 2026, and warns that failure to do so may result in dismissal for failure to prosecute or comply with a court order.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                 |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of Illinois                                                                                                                                                                              |
| WRITING FOR THE COURT | J. Phil Gilbert                                                                                                                                                                                                                                 |
| DECIDED               | February 4, 2026                                                                                                                                                                                                                                |
| DOCKET                | 25-cv-00180-JPG                                                                                                                                                                                                                                 |
| DISPOSITION           | other                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | On sua sponte review, the district court ordered the Clerk to enter default against Defendant Gott after he failed to answer or otherwise plead in response to the First Amended Complaint, and ordered Plaintiff to move for default judgment. |
| STANDARD OF REVIEW    | Sua sponte review of the record; no separate appellate standard of review was stated.                                                                                                                                                           |
| PRECEDENTIAL VALUE    | nonprecedential district court order                                                                                                                                                                                                            |
| PARTIES               | Joshua S. Headrick v. Jerod Gott                                                                                                                                                                                                                |

TOPICS

- default
- default judgment
- pleadings
- prisoners rights
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

**QUESTIONS PRESENTED**

1. Whether default should be entered against a defendant who, after service and an extended deadline, failed to plead or otherwise defend.
2. Whether the Prison Litigation Reform Act permitted Defendant to avoid responding and thereby avoid entry of default after the Court specifically ordered him to file a reply.

**HOLDINGS**

1. Default must be entered against Defendant Gott because he failed to plead or otherwise defend after being served and given an extended deadline to respond.
2. Defendant could not rely on 42 U.S.C. § 1997e(g) to avoid default because the Court specifically ordered him to file a reply or other appropriate responsive pleading.

**KEY QUOTATIONS**

*“The Federal Rules of Civil Procedure provide that the Clerk of Court must enter default against a defendant who has failed to plead or otherwise defend.”*

**FACTUAL BACKGROUND**

Defendant Jerod Gott was served with the lawsuit on November 4, 2025, and his answer was due November 25, 2025. After the Court sua sponte extended the deadline to January 5, 2026, Gott still had not moved, answered, or otherwise pleaded in response to the First Amended Complaint.

**PROCEDURAL HISTORY**

The Court screened Plaintiff's Complaint under 28 U.S.C. § 1915A and directed Defendant to file an appropriate responsive pleading. Defendant's waiver of service was returned unexecuted, he was later served, and he failed to respond by the original or extended deadline. The Court therefore directed entry of default under Federal Rule of Civil Procedure 55(a) and set a deadline for Plaintiff to seek default judgment under Rule 55(b).

**DISPOSITION**

other

**CASES CITED**

- Vinning v. Walks, 2009 WL 839052, at \*1 n.2 (S.D. Ill. Mar. 31, 2009)

**OPINION**

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS JOSHUA S. HEADRICK, ) ) Plaintiff, ) ) vs. ) Case No. 25-cv-00180-JPG ) JEROD GOTT, ) ) Defendant. ) NOTICE AND ORDER This matter is before the Court upon a sua sponte review of the record.

The Court screened Plaintiff's Complaint pursuant to 28 U.S.C. § 1915A on August 8, 2025 ("Screening Order").<sup>1</sup> Pursuant to the Screening Order, Defendant Jerod Gott was sent a request for Waiver of Service of Summons on August 8, 2025, see Doc. 36, and the waiver was returned unexecuted on August 27, 2025, see Doc. 37. Summons was issued on October 14, 2025, see Doc.

40. Defendant Gott was served with this lawsuit on November 4, 2025, and his answer was due November 25, 2025. *Id.* When he did not answer or otherwise respond, the Court entered an Order sua sponte extending the deadline January 5, 2026. (Doc. 41).

To date, Defendant Gott has failed to move, answer, or otherwise plead in response to the First Amended Complaint (Doc. 33). The Federal Rules of Civil Procedure provide that the Clerk of Court must enter default against a defendant who has failed to plead or otherwise defend. FED. R. CIV. P. 55(a).

Accordingly, the Court ORDERS as follows: 1 The Screening Order directed Defendant to timely file an appropriate responsive pleading to the Amended Complaint and states that Defendant shall not waive filing a reply pursuant to 42 U.S.C. § 1997e(g). (Doc. 35, p. 6).

Because the Court specifically ordered Defendant to respond to the Complaint, Defendant cannot rely on the Prison Litigation Reform Act to avoid the entry of default. 42 U.S.C. § 1997e(g)(2). See e.g., *Vinning v. Walks*, 2009 WL 839052, \*1 n.2 (S.D. Ill. Mar. 31, 2009) (default against defendant was proper because the Court exercised its authority under 42 U.S.C. § 1997e(g)(2) by directing the defendant to file a reply to plaintiff's complaint, and the defendant "disregarded that direct [o]rder").

(1) The Clerk of Court is DIRECTED to ENTER DEFAULT against Defendant Gott in accordance with Federal Rule of Civil Procedure 55(a). (2) Plaintiff is ORDERED to move for default judgment against Defendant Gott on or before February 24, 2026, in accordance with Federal Rule of Civil Procedure 55(b).

(3) If Plaintiff fails to move for default judgment as set forth in this Order, this entire action will be dismissed as to Defendant Gott for failure to prosecute and/or failure to comply with an order of the Court.

(4) The Clerk of Court is DIRECTED to transmit a copy of this Order and the entry of default to Plaintiff and to Defendant Gott. IT IS SO ORDERED. DATED: 2/4/2026 s/J. Phil Gilbert J. PHIL GILBERT United States District Judge