

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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UNITED STATES OF AMERICA	:	3:11 CV 1135 (JGM)
	:	
V.	:	
	:	
IRWIN AUGUST, D.O.	:	DATE: FEBRUARY 25, 2013
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WARNING TO DEFENDANT

On July 19, 2011, plaintiff commenced this collection action against defendant with respect to his federal student loan debt. On October 20, 2011, plaintiff filed its Motion for Default (Dkt. #10), which was granted by the late U.S. District Judge Mark R. Kravitz the next day. (Dkt. #11). Ten days later, defendant, appearing pro se and without filing an appearance, filed his Motion to Vacate (Dkt. #12), which Judge Kravitz denied on November 7, 2012, in that defendant still had failed to answer or otherwise respond to plaintiff's complaint. (Dkt. #14). However, given the parties' attempts to resolve this case (see Dkt. #13), Judge Kravitz ordered a joint status report to be filed by November 21, 2011. (Dkt. #14). Thereafter, plaintiff's counsel, with the cooperation of the pro se defendant, filed eight Status Reports with the Court over a one-year period, from November 21, 2011 through November 7, 2012. (Dkts. ##15, 17, 19, 21, 23, 25, 27, 30; see also Dkts. ##16, 18, 20, 22, 24, 26, 28). Upon the tragic death of Judge Kravitz, the case was transferred to U.S. District Judge Janet Bond Arterton on October 18, 2012 (Dkt. #29), and on December 10, 2012, plaintiff's counsel and the pro se defendant both consented to trial before this Magistrate Judge. (Dkt. #31).

On January 28, 2012, plaintiff filed its Request for Entry of Judgment on Default (Dkt. #32) in the amount of \$170,394.98 (Dkt. #32), as to which the pro se defendant did not file

any brief in opposition. Despite the pro se defendant not having filed any appearance in this case, he has nonetheless been an active participant in the litigation. Therefore, in an abundance of caution, the pro se defendant is hereby warned that Local Rule 7(a)1. provides that "[f]ailure to submit a memorandum in opposition to a motion may be deemed sufficient cause to grant the motion, except where the pleadings provide sufficient grounds to deny the motion." In that the pending motion is a dispositive one, it strikes the Court as prudent to issue a warning to the pro se defendant that parallels the warning required under Local Rule 56(b) in the context of motions for summary judgment, namely that **PLAINTIFF'S MOTION WILL BE GRANTED AND A DEFAULT JUDGMENT WILL BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE IF YOU DO NOT FILE OPPOSING PAPERS AS REQUIRED BY LOCAL RULE 7(b). THEREFORE, THE PRO SE DEFENDANT IS HEREBY WARNED THAT IF HE FAILS TO FILE A BRIEF IN OPPOSITION, WITH A SUPPORTING AFFIDAVIT AND DOCUMENTS, ON OR BEFORE MARCH 18, 2013, PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT (Dkt. #32) WILL BE GRANTED.**

Dated at New Haven, Connecticut, this 25th day of February, 2013.

/s/ Joan G. Margolis, USMJ _____
Joan Glazer Margolis
United States Magistrate Judge