IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

OLIVER A. PENTINMAKI, JR.,

Plaintiff,

v.

LT. ALBERTS and OFFICER PAYNE,

Defendants.

ORDER

10-cv-194-slc

Plaintiff was granted leave to proceed in this action on June 25, 2010. On August 4, 2010, defendants answered plaintiff's complaint, raising various affirmative defenses. Now plaintiff has filed a letter dated August 21, 2010, in which he replies to several factual statements made in the answer and argues that certain of defendants' affirmative defenses are not valid.

Plaintiff does not need to be concerned: although defendants have raised certain affirmative defenses in their answer, defendants have not actually filed a motion to dismiss. Therefore, plaintiff does not need to reply to the answer. If defendants later file an actual motion to dismiss, then plaintiff will be allowed to respond to that motion. In the meantime, Rules 7(a) and 8(b)(6) of the Federal Rules of Civil Procedure work together to protect plaintiff from defendants' claims in the answer. Because of those rules, this court does not need plaintiff to reply to the answer; instead, the court automatically assumes that plaintiff has denied the factual statements and affirmative defenses raised in that answer.

ORDER

IT IS ORDERED that plaintiff's reply to the answer, dkt 32, will be placed in the court's file but will not be considered.

Entered this 27th day of August, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge