

Farnan, District Judge.

Presently before the Court is the Plaintiff's Petition For A Writ of Execution (D.I. 43-1), which the Court construes as a Motion for Default Judgment. For the reasons discussed, the Court will grant the Motion.

BACKGROUND

In his Complaint, Plaintiff alleges that Defendant, Randy Parker, subjected him to cruel and unusual punishment at the hands of fellow inmates in the Key Program. Specifically, Plaintiff alleges that Defendant allowed inmate coordinators to subject him to sleep deprivation and humiliation. Plaintiff requests relief and compensation based on this alleged abuse under 42 U.S.C. § 1983.

On March 13, 2003, Plaintiff filed a Motion for Summary Judgment by Default (D.I. 30-1). Plaintiff contends that Defendant was served by the U.S. Marshal and Defendant's answer was due on November 4, 2002, but was not filed. On April 4, 2003, the Court concluded that Defendant had not responded to the Complaint and entered the default.

Presently before the Court is Plaintiff's Motion for Default Judgment. In the Motion, Plaintiff requests that the Court award \$ 60,000 in monetary compensation, a successful completion of the Key Program, and an injunction enjoining the Key Program from further abuse of Plaintiff.

A hearing on Plaintiff's Motion was held on Thursday, March 25, 2004. During the hearing, Plaintiff withdrew his requests related to the Key Program, stating that changes in the management of the program and his present circumstances rendered his requests moot. Presently before the Court is the remainder of Plaintiff's Motion, requesting monetary relief against Defendant.

DISCUSSION

The facts alleged in a Complaint are deemed admitted after a default is entered. Bonilla v. Trebol Motors Corp., 150 F.3d 77, 80 (1st Cir. 1998). Thus, Plaintiff has proved that, under the supervision and direction of Defendant, other prisoners were allowed to abuse and humiliate Plaintiff. Specifically, Plaintiff proved that prisoners were given supervisory positions by Defendant and used those positions to, among other things, substantially deprive Plaintiff of sleep. Additionally, Plaintiff testified concerning the injuries he suffered by this abuse.

The Court concludes that Plaintiff has established that Defendant subjected him to cruel and unusual punishment in violation of the Fourteenth and Eighth Amendments, creating a compensable injury under Section 1983. The Court concludes that Plaintiff has proved that he is entitled to compensatory damages for pain and suffering in the amount of \$15,000.00.

CONCLUSION

For the reasons discussed, the Court will grant Plaintiff's Motion for Default Judgment.

An appropriate Order will be entered.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GREGORY S. PHILLIPS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	Civil Action No. 01-516 JJF
	:	
RANDY PARKER,	:	
	:	
Defendant.	:	
	:	

O R D E R

At Wilmington, this 20th day of May, 2004, for the reasons discussed in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that Plaintiff's Motion For Default Judgment (D.I. 43-1) is **GRANTED**.

JOSEPH J. FARNAN, JR.
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

GREGORY S. PHILLIPS, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 01-516 JJF
 :
 RANDY PARKER, :
 :
 Defendant. :
 :

JUDGMENT IN A CIVIL CASE

This action came before the Court, the Honorable Joseph J. Farnan, Jr., District Judge presiding, and the issues having been decided by default judgment after a hearing before the Court.

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of the Plaintiff, Gregory Phillips, and against the Defendant, Randy Parker, with an award of compensatory damages to Plaintiff in the amount of fifteen thousand dollars (\$15,000.00).

JOSEPH J. FARNAN, JR.
UNITED STATES DISTRICT JUDGE

Dated: May 20, 2004

Susan S. Baer
(By) Deputy Clerk