

IN THE UNITED STATES DISTRICT COURT  
 FOR THE MIDDLE DISTRICT OF ALABAMA  
 NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 2:05cv290-A
	)	WO
CYNTHIA G. FREDERICK, a/k/a	)	
CYNTHIA G. DENNISON,	)	
	)	
Defendant.	)	

**ORDER**

This case is before the court on the Defendant’s Motion to Set Aside Default Judgment (Doc. #9), and the Plaintiff’s response thereto (Doc. #11).

It appears to the court from the documents presented that the Defendant received copies of the Summons and Complaint by certified mail on April 2, 2005, that the return receipt card was received in the clerk’s office on April 4, 2005, and that on April 11, 2005, the Defendant sent a letter to the Assistant U. S. Attorney disputing certain aspects of the Plaintiff’s claim. A copy of this letter was stamped received in the office of the Clerk of Court on April 13, 2005, and by the U. S. Attorney on April 14, 2005, well within the time required for the Defendant to file an answer to the Complaint. The court is satisfied that the Defendant, acting without counsel, was under the impression that this letter was sufficient to respond to the Complaint as required by the language of the summons. Therefore, since the letter was timely received in the office of the clerk of this court, although it was not docketed as an answer, the court finds that the action of the Defendant is a sufficient “other reason justifying relief from the operation of

judgment,” pursuant to Rule 60(b)(6), *Fed.R.Civ.P.* Accordingly, it is hereby ORDERED as follows:

1. The Motion to Set Aside Default Judgment is GRANTED, and the Default and Default Judgment entered in this case on April 28, 2005, are VACATED and SET ASIDE.
2. The Defendant is given **until May 27, 2005**, to file, through her attorney, a formal Answer to the Complaint.

DONE this 18th day of May, 2005.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE