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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Nkosazana U. Boyd,

10 Plaintiff,

11 v.

12 Patrick R. Donahoe, et al.,

13 Defendants.

No. CV-13-01034-PHX-DGC

**ORDER**

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15 Plaintiff Nkosazana Boyd has filed an application for entry of default. Doc. 8.  
16 Defendant Patrick R. Donahoe has filed an opposition. Doc. 9. Plaintiff has filed an  
17 objection to Defendant's opposition. Doc. 10.

18 Rule 4(i)(1) of the Federal Rules of Civil Procedure sets forth the procedures for  
19 serving the United States. A party must: (1) "deliver a copy of the summons and  
20 complaint to the United States attorney for the district where the action is brought,"  
21 (2) "send a copy of each by registered or certified mail to the Attorney General of the  
22 United States," and (3) "if the action challenges an order of a nonparty agency or officer  
23 of the United States, send a copy of each by registered or certified mail to the agency or  
24 officer." Fed. R. Civ. P. 4(i)(1)(A)-(C). Although Plaintiff alleges that Defendant  
25 Patrick R. Donahoe "was served with the summons and complaint on 9-25-13 via process  
26 server," and has "failed to timely file a response to the lawsuit" (Doc. 8 at 1), Plaintiff has  
27 not provided evidence showing that she complied with the requirements of Rule 4(i).  
28 The Court will not enter default where proper service has not been shown.

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Additionally, Plaintiff should be aware that Rule 55 of the Federal Rules of Civil Procedure governs the entry of default judgment. Obtaining default judgment under Rule 55 is a two-step process. First, the Clerk must enter the non-appearing party's default under Rule 55(a). Once the party's default has been entered, either the Clerk or the Court enters default judgment under Rule 55(b). *See Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986) (discussing two-step process under Rule 55).

**IT IS ORDERED** that Plaintiff's application for entry of default (Doc. 8) is **denied**.

Dated this 31st day of March, 2014.



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David G. Campbell  
United States District Judge