

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

DAVID I. NAMER,
ADC #15869-034

PLAINTIFF

v.

2:10-cv-00112-JMM-JTK

UNITED STATES OF AMERICA

DEFENDANT

ORDER

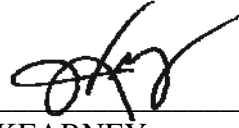
This matter is before the Court on the Plaintiff's Motion for Default Judgment against Defendant (Doc. No. 14). In support, Plaintiff states Defendant was served on September 7, 2010 and September 10, 2010, and that Defendant failed to respond timely to his Complaint.

Summons was returned, executed, as to the United States Attorney and the United States Attorney General on September 15, 2010 and September 20, 2010 (Doc. Nos. 7, 8, 11). According to those returns, the United States Attorney was served on September 2, 2010, and the United States Attorney General was served on September 10, 2010. Defendant filed the Answer to Plaintiff's Complaint on November 1, 2010 (Doc. No. 13).

According to FED.R.CIV.P. 12(a)(2), the "United States, a United States agency, or a United States officer or employee sued only in an official capacity must serve an answer to a complaint...within 60 days after service on the United States Attorney." Therefore, the Court finds Defendant's Answer to be timely filed, and that Plaintiff's Motion should be denied. Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Default Judgment (Doc. No. 14) is hereby DENIED.

IT IS SO ORDERED this 30th day of November, 2010.

A handwritten signature in black ink, appearing to read 'JK', is positioned above a horizontal line.

JEROME T. KEARNEY
UNITED STATES MAGISTRATE JUDGE