

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

ROBERT J. LARDE

PLAINTIFF

V.

CASE NO. 3:10CV00212 JMM

UNITED STATES OF AMERICA

DEFENDANT

ORDER

Pending before the Court are Plaintiff's Motion for Default Judgment and Defendant's Motion to Dismiss Plaintiff's Motion for Default Judgment. For the reasons stated below, Defendant's motion is granted (#13) and Plaintiff's motion is denied (#7).

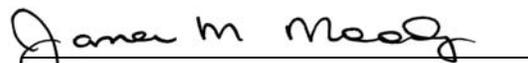
Plaintiff filed his complaint against the United States of America on September 7, 2010. He completed service of process to the Department of Veterans Affairs on November 30, 2010. On March 24, 2011, Plaintiff filed his Motion for Default Judgment contending that Defendant was in default for failure to file an answer to his complaint within 60 (sixty) days of being served.

Service against the United States is governed by Federal Rule of Civil Procedure 4(i) which requires service upon the United States Attorney for the District where the action is brought and the Attorney General of the United States. *See* Fed.R.Civ.P. 4(i)(1)(A)(i) & (ii), (B), and (C).

Plaintiff has failed to execute service of process on either the United States Attorney for the Western District of Arkansas or the Attorney General of the United States.

Based upon this failure of service, Defendant is not in default.

IT IS SO ORDERED THIS 19 day of April, 2011.



James M. Moody
United States District Judge