

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

CEDRICK SIMPSON, Sr.

PLAINTIFF

v.

No. 4:17-cv-461-DPM

GREG SIEGLER, individually and  
in his official capacity

DEFENDANT

ORDER

1. Siegler's motion to set aside the Clerk's default, *No 11*, is granted. Service on Siegler was bad. The Marshal sent the summons and complaint by certified mail, but didn't restrict delivery to Siegler or his agent for service. *No 6-1*. Siegler was out of town when the letter arrived; and the person who received it wasn't Siegler's agent. *No 6-1 & No 12 at 5*. All this is insufficient to justify a default. FED. R. CIV. P. 4(e)(1); ARK. R. CIV. P. 4(d)(8)(A)(i). The Clerk's default, *No 8*, is vacated.

2. Simpson's motion to strike, *No 13*, is denied. Siegler is entitled to defend against Simpson's claims on the merits. Simpson must therefore respond to Siegler's motion to dismiss by 1 December 2017.

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

*17 November 2017*