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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	JOUDON VAN HOPE-EL,) Case No.: 1:18-cv-0441 - DAD - JLT
12	Plaintiff,	ORDER DENYING THE ENTRY OF DEFAULT
13	v.) (Doc. 13))
14	U.S. DEPARTMENT OF STATE, et al.,	ORDER TERMINATING THE MOTION FORDEFAULT JUDGMENT AS MOOT
15	Defendants.) (Doc. 14)
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17	On July 19, 2018, Plaintiff filed an application for the entry of default against the United States	
18	Department of State. (Doc. 13) Significantly, however, Plaintiff has not filed a proof of service that	
19	demonstrate his compliance with the service requirements of Rule 4 of the Federal Rules of Civil	
20	Procedure. To serve the United States and its agencies, officers, or employees, a party must:	
21	(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk—or	
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23	(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;	
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25	(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and	
26 27	(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.	
28	Fed. R. Civ. P. 4(i) (emphasis added).	
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The "Affidavit of Service" filed by Plaintiff indicates that he hired a process server who indicated he "served [the] U.S. Department of State ... by serving Christine Heifferson, Paralegal, authorized to accept service." (Doc. 8 at 2) This affidavit does not indicate that Plaintiff "deliver[ed] a copy of the summons and of the complaint to the United States attorney for the district where the action is brought" or mailed "a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.," as required by Rule 4(i) of the Federal Rules. Thus, service has not been properly effected and the entry of default is not appropriate. *See Duckworth v. Dep't of Navy*, 1992 U.S. App. LEXIS 21168 (9th Cir. Sept. 10, 1992) (observing the plaintiff "failed to deliver a copy of the summons and complaint to the United States Attorney for the Central District of California, where the action was originally brought" and denying default judgment "[b]ecause the government was not properly served")

Accordingly, the Court **ORDERS**:

- 1. Plaintiff's request for the entry of default by the Clerk of Court (Doc. 13) is **DENIED**;
- 2. Plaintiff's motion for default judgment (Doc. 14) is terminated as **UNRIPE**.

IT IS SO ORDERED.

Dated: July 28, 2018 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE