

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Craig. B. Shaffer

Civil Action No. 05-cv-01382-PSF-CBS

MONA ELHELBAWY,  
Plaintiff,  
v.

PENNY S. PRITZKER, Secretary, U.S. Department of Commerce,  
Defendants.

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ORDER

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This civil action comes before the court on Ms. ElHelbawy's "Motion for Entry of Default Judgment" (filed October 3, 2014) (Doc. # 16). Ms. ElHelbawy "requests entry of judgment by default . . . pursuant to Federal Rules of Civil Procedure 55(b)." An officer or employee of the United States sued in an official capacity, shall serve an answer to the complaint . . . within **60 days** after the United States attorney is served with the pleading asserting the claim." Fed. R. Civ. P. 12(a)(3)(A) (emphasis added). Likewise, "[a]n officer or employee of the United States sued in an individual capacity for acts or omissions occurring in connection with the performance of duties on behalf of the United States shall serve an answer to the complaint . . . within **60 days** after service on the officer or employee, or service on the United States attorney, whichever is later." Fed. R. Civ. P. 12(a)(3)(B) (emphasis added). The acknowledgement of service filed on August 27, 2014 (Doc. # 15) indicates that the United States attorney was served on August 27, 2014. Defendant is not in default. Accordingly,

IT IS ORDERED that Ms. ElHelbawy's "Motion for Entry of Default Judgment"

(filed October 3, 2014) (Doc. # 16) is DENIED.

DATED at Denver, Colorado, this 6th day of October, 2014.

BY THE COURT:

s/Craig B. Shaffer  
United States Magistrate Judge