

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DORTHY WILLIAMS and CARMEN
GUZMAN,

Plaintiffs,

v.

Case No: 6:16-cv-1530-Orl-41TBS

DEPARTMENT OF THE AIR FORCE,

Defendant.

ORDER

Pending before the Court is Plaintiffs' Motion for Entry of Clerk's Default against Defendants [sic] Department of the AirForce and Response to Show Cause Order (Doc. 11). The motion for entry of default is premature.

Plaintiffs are suing the Department of the Air Force, an agency of the United States. Pursuant to Rule 4(i), Federal Rules of Civil Procedure: "To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee." FED. R. CIV. P. 4(i)(2). To serve the United States a party must:

(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

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

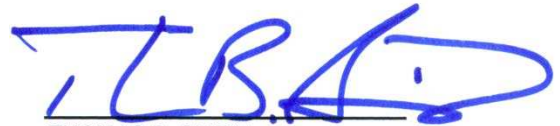
(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(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.

FED. R. CIV. P. 4(i)(1).

There is no showing that service on the Defendant was made in accordance with these provisions. The motion is therefore **DENIED**.

DONE and **ORDERED** in Orlando, Florida on April 26, 2017.



THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to Counsel of Record