

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

H. RICHARD BISBEE PA,

Plaintiff,

vs.

CASE NO.: 4:10-CV-424-SPM/WCS

FEDERAL BUREAU OF PRISONS, et al.,

Defendants.

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ORDER

THIS CAUSE comes before the Court on Defendant Federal Bureau of Prisons' Motion to Set Aside Default (doc. 12) and Plaintiff's Response in Opposition (doc. 13). Pursuant to Federal Rule of Civil Procedure 55(c), the Court may set aside the Clerk's entry of default for good cause. "Generally, where service of process is insufficient, the court has no power to render judgment and the judgment is void." In re Worldwide Web Sys., 328 F.3d 1291, 1299 (11th Cir. 2003). Although both Defendants are agencies of the United States, the Plaintiff has admittedly not complied with the service requirements for agencies of the United States codified in Federal Rule of Civil Procedure 4(i). Moreover, pursuant to Federal Rule of Civil Procedure 55(d), "[a] default judgment may be entered against the United States, its officers, or its agencies only if the claimant establishes a claim or right to relief by evidence that satisfies the court." As Plaintiff has not established such a right, the Clerk's entry of default should be set aside. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Motion to Set Aside Default (doc. 12) is GRANTED. The Clerk's Entry of Default (doc. 11) is set aside for good cause shown.
2. Plaintiff's Motion for Entry of Default Judgment (doc. 7) is DENIED.

DONE AND ORDERED this twenty-eighth day of March, 2011.

s/ Stephan P. Mickle
Stephan P. Mickle
Chief United States District Judge