

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SAMANTHA D. HOLZHAUER,)
CITIBANK (SOUTH DAKOTA) N.A.,)
and CAPITAL ONE BANK (USA) N.A.,)
)
Defendants.)

Case No. 12-cv-1291

ORDER & OPINION

Before the Court is Plaintiff's Motion for Entry of Default (Doc. 10), in which Plaintiff asks this Court to enter an Order of Default against Defendants Samantha D. Holzhauser, Citibank (South Dakota) N.A., and Capital One Bank (USA) N.A. Defendant Samantha D. Holzhauser was personally served with the summons and complaint by the United States Marshal on October 12, 2012. (Doc. 9). Defendant Citibank (South Dakota) N.A. was personally served with the summons and complaint by the United States Marshal on October 10, 2012. (Doc. 8). Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A), these defendants had 21 days after being served to file an answer or other responsive pleading. Defendant Capital One Bank (USA) N.A. returned a Waiver of Service of Summons, sent August 15, 2012. (Doc. 7). Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A), Defendant Capital

One Bank (USA) N.A. had 60 days from the date the request was sent to file an answer or other responsive pleading. Defendants all failed to do so.¹

IT IS THEREFORE ORDERED that Plaintiff's Motion (Doc. 10) is GRANTED, and the Clerk is DIRECTED to ENTER DEFAULT against Defendants Samantha D. Holzhauser, Citibank (South Dakota) N.A., and Capital One Bank (USA) N.A. Further, this cause of action is subject to dismissal for failure to prosecute unless within twenty-one days of the entry of this Order of Default, the United States of America requests of the Clerk of this Court or makes application to the District Court for the entry of a default judgment pursuant to Rule 55(b) of the Federal Rules of Civil Procedure.

Entered this 21st day of March, 2013.

s/ Joe B. McDade

JOE BILLY McDADE
United States Senior District Judge

¹ Nor have Defendants timely responded to Plaintiff's Motion for Entry of Default.