

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

ALLAN MUGAN,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

No. C07-3059-LRR
No. CR03-3021-LRR

ORDER

This matter appears before the court on the government's motion to strike (docket no. 72). The government filed such motion on January 12, 2010. Although the time for filing a resistance has not passed, the court does not believe it is necessary to wait for Allan Mugan ("the movant") to articulate his position.

For the reasons stated by the government, it is appropriate to strike the movant's motion for summary judgment (docket no. 69) and motion for entry of default and order of default judgment (docket no. 71). Specifically, the government correctly points out that the matter is fully briefed and that neither motion is appropriate in proceedings under 28 U.S.C. § 2255. *See generally* Rules on Motion Attacking Sentence under Section 2255. Accordingly, the government's motion to strike (docket no. 72) is granted. The clerk's office is directed to strike from the record the movant's motion for summary judgment (docket no. 69) and motion for entry of default and order of default judgment (docket no.

71). The court will address the merits of the motion under 28 U.S.C. § 2255 and other pending motions in a timely manner.

IT IS SO ORDERED.

DATED this 15th day of January, 2010.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA