IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

:

LOUIS PIERRE DEABREU, et al.

:

v.   :   Civil Action No. DKC 11-3692

:

NOVASTAR HOME MORTGAGE, et al.

:

MEMORANDUM OPINION AND ORDER

This action was transferred to this court on December 22 and on December 30, the court entered an order granting Plaintiffs' motions to proceed *in forma pauperis*. (ECF No. 6). The court directed the Clerk to "mail a copy of the Marshal [service of process] form for each Defendant to Plaintiffs, who must complete and return them to the Clerk within twenty-one (21) days from the date of this Order," at which point the Clerk and the Marshal are to "take all necessary steps to effectuate service of process." (*Id*.). Plaintiffs submitted the forms and the Clerk issued summonses on January 12. The Marshal has not yet advised of the status of service on Defendants.

On February 8, Plaintiffs filed a "prayer for declaratory relief" requesting the court to enter default against Defendants for their failure timely to respond to their complaint.

In accordance with Fed. R. Civ. P. 4 and with the summons issued, each Defendant must respond to Plaintiffs' complaint within 21 days after service of the summons, not including the day Defendant was served. If the Defendant is the United States or a United States agency, an officer or employee of the United States

as described in Fed. R. Civ. P. 12 (a)(2) or (3), the answer is due 60 days from the date of service. The Marshal has not notified the court that any of the Defendants have yet been served. Thus, Plaintiffs' request for the default is premature.

Accordingly, it is this 10th day of February, 2012, by the United States District Court for the District of Maryland, ORDERED that:

1.   Plaintiffs' prayer for declaratory relief docketed as a motion for declaratory relief (ECF No. 11) BE, and the same hereby IS, DENIED without prejudice; and

2.   The Clerk of Court is DIRECTED to mail a copy of this Order to Plaintiffs.

                                            /s/
                              DEBORAH K. CHASANOW
                              United States District Judge