

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARVIN BLACHURA and
JUDITH BLACHURA,

Plaintiffs,

Case No. 10-12074

vs.

HON. GEORGE CARAM STEEH

INTERNAL REVENUE SERVICE,

Defendant.

_____ /

ORDER DENYING PLAINTIFFS' MOTION
FOR ENTRY OF DEFAULT JUDGMENT [DOC. # 8]

This matter has come before the court on plaintiffs', Marvin Blachura and Judith Blachura, ex parte motion for entry of default judgment against defendant Internal Revenue Service. Plaintiffs filed their complaint in this action on May 24, 2010, and the court granted their application to proceed *in forma pauperis*, as well as their request for service by the U.S. Marshal. The U.S. Marshal entered an Acknowledgment of service of process documents on June 7, 2010. However, the U.S. Marshal has not yet served the defendant Internal Revenue Service, so defendant is not on notice of the action. The court was in contact with the U.S. Marshal's office and has been informed that service will be effectuated forthwith. Once defendant has been served they will have sixty days to answer the complaint. Entry of default or default judgment pursuant to Fed. R. Civ. P. 55 is not proper at this time.

IT IS HEREBY ORDERED that plaintiffs' motion for entry of default judgment is DENIED without prejudice.

Dated: August 26, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 26, 2010, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk