

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
NO. 2:10-CV-63-FL

Miguel Maldonado)	
Plaintiff,)	
)	
v.)	ORDER
)	
Janet Napolitano)	
<i>Secretary of Department of Homeland and</i>)	
Bureau of Immigration and Customs)	
Enforcement)	
Defendants)	

THIS MATTER comes before the Court upon Plaintiff, Miguel Maldonado's Motion for Default and Default Judgment filed at Docket Entry 17.

In reviewing the court's docket, the court finds that on October 18, 2011, Plaintiff filed a Motion for Entry of Default and Motion for Default Judgment filed at Docket Entry 13, which motion was denied for failure to make proper service of the Complaint on Defendants pursuant to Rule 4(i)1(A)(i)(ii) and 4(i)1(B) of the Federal Rules of Civil Procedure.

On October 27, 2011, on its own initiative, the Court issued an Order outlining the proper procedure for curing service on an agency of the United States or an officer of the United States in an official capacity pursuant to Federal Rules of Civil Procedure 4(i)(1) and 4(i)(2).

Due to the plaintiff's IFP status, the court directed the Clerk of Court to prepare summonses for the United States Attorney for the Eastern District of North Carolina and the United States Attorney General in Washington, D.C. and deliver said summonses and copies of the corrected complaint to the

United States Marshall or a Deputy Marshal to effect service on or before December 10, 2011.

Based on the foregoing, the Court finds that Plaintiff's Motion for Default and Default Judgment is hereby DENIED for failure to effect service upon the necessary parties pursuant to the Order entered by this court on October 27, 2011.

SO ORDERED, this 4th day of November, 2011.

A handwritten signature in black ink, appearing to read "Dennis P. Iavarone", written over a horizontal line.

Dennis P. Iavarone
Clerk of Court