

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-220-F

PAUL COLLINS YONGO,)
)
 Plaintiff,)
)
 v.)
)
 DEPARTMENT OF THE ARMY,)
 HON. ROBERT GATES,)
 DEPARTMENT OF DEFENSE, and)
 DEFENSE ACCOUNTING & FINANCIAL)
 SERVICES,)
)
 Defendants.)

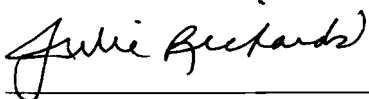
ORDER

On February 7, 2011, plaintiff Paul Collins Yongo (“plaintiff”), proceeding pro se, filed a motion for entry of default against defendant Defense Finance and Accounting Services [D.E. 11]. On February 9, 2011, plaintiff filed a motion for entry of default against defendants “Robert Gates, Timothy Geitner, Department of the Army Secretary of the Army, John McHugh, J. Horne, and Treasury Department (Internal Revenue Service)” [D.E. 12]. Plaintiff alleges that defendants failed to file a timely response to the complaint and seeks default against defendants under Rule 55 of the Federal Rules of Civil Procedure.

Prior to requesting default, plaintiff failed to perfect proper service on defendants pursuant to Rule 4(i) of the Federal Rules of Civil Procedure. On February 16, 2011, plaintiff filed a proposed summons for the United States Attorney [D.E. 14], and on February 16, 2011, the clerk issued summons [D.E. 15]. On March 2, 2011, service was effected on the United States Attorney [D.E. 17]. The time by which defendants must answer or respond to plaintiff’s complaint has not expired.

See Fed. R. Civ. P. 12(a)(2). Plaintiff's motions for entry of default are premature. Accordingly, plaintiff's motions for entry of default [D.E. 11, 12] are DENIED.

Signed this 1st day of April 2011.



for Dennis P. Iavarone, Clerk of Court