

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:13-CV-343-D

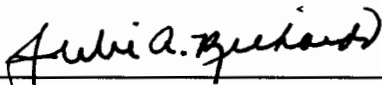
Theodore Justice,)
Plaintiff,)
v.) ORDER
)
Dr. Timothy Farley, et al,)
Defendants.)

On June 7, 2013, Plaintiff, Theodore Justice, (“plaintiff”) moved for Entry of Default [D.E. 25] against Defendants, Augustus B. Elkins, Administrative Law Judge and Julian Mann, III, Administrative Law Judge (“defendants”) pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend.

On June 7, 2013, this court entered an order [D. E. 22] granting defendants an extension of time up to and including July 3, 2013 in which to file an answer or other responsive pleading to plaintiff’s complaint.

Based on the foregoing, the Court finds that plaintiff’s motion for entry of default was prematurely filed as the time in which defendants may file their answer or other responsive pleadings had not expired as of the filing of plaintiff’s motion for entry of default. Therefore, plaintiff’s motion for entry of default is hereby DENIED.

SO ORDERED. This 15th day of July 2013.



Julie A. Richards
Clerk of Court