

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:14-CV-287-FL

JAMES K. PENDERGRASS, JR., Escrow Agent,

Plaintiff,

v.

DONALD SULLIVAN, also known as James D. Sullivan; and the UNITED STATES OF AMERICA

Defendants.

ORDER

In his request for injunctive relief, which in part remains pending (DE 24), Donald Sullivan seeks to enjoin plaintiff from tendering the escrowed funds to the clerk of court. As commented on by the court earlier, he focused on the Internal Revenue Service (“IRS”), serving an individual revenue agent with that pleading, no doubt unaware of defendant United States of America’s appearance in the case and its asserted claim directly against the funds at issue. The landscape has changed, and Sullivan is aware of this now, where the court recently allowed upon his request defendant Sullivan to have some more time to respond to the USA’s cross-claim against him.

Defendant Sullivan seeks the court to reconsider decision to dismiss plaintiff (DE 36). Without more, absent good cause, over defendant Sullivan’s objection, that request must be and is

DENIED. Given the new alignment of the parties, plaintiff having been DISMISSED, where the money at stake is HELD now by the clerk of court, the remaining part of defendant Sullivan's request for injunctive relief (DE 24) must be and is DENIED.

Again, defendant Sullivan has up to and until September 10, 2014, absent further request for more time due to health considerations or for other reason, to respond to the USA's cross-claim against him.

SO ORDERED, this the 16th day of August, 2014.

A handwritten signature in black ink that reads "Louise W. Flanagan". The signature is written in a cursive style with a horizontal line underneath it.

LOUISE W. FLANAGAN
United States District Judge