

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

NO. 5:17-CV-498-FL


ANN MARIE MCMILLIAN,)
)
Plaintiff,)
)
v.)
)
OFFICER H.L. WHITE, in his individual)
and official capacity,)
)
Defendant.)

ORDER

This matter is before the court on plaintiff’s motion for entry of default. (DE 12). Plaintiff’s motion to proceed in forma pauperis was granted February 27, 2018, and the United States Marshals Service was directed to serve defendant with summons and copy of the complaint. (DE 4). The Marshals Service delivered summons to the Raleigh Police Department headquarters, as requested by plaintiff. (DE 10). However, plaintiff’s motion for entry of default suggests that defendant no longer is employed with the Raleigh Police Department. (DE 12 at 2). Accordingly, the court cannot conclude that service has been made. See Fed. R. Civ. P. 4. Therefore, plaintiff’s motion for entry of default, (DE 12), is DENIED without prejudice.

The City of Raleigh Attorney is DIRECTED to provide, under seal, within 14 days hereof, defendant’s last known address. Upon receipt of same, the Marshals Service is DIRECTED to serve defendant at the address provided. The service deadline is EXTENDED to 90 days following the City of Raleigh Attorney’s provision of defendant’s last known address. The clerk is DIRECTED to serve a copy of this order on the City of Raleigh Attorney.

SO ORDERED, this the 26th day of June, 2018.



LOUISE W. FLANAGAN
United States District Judge