

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JORDAN HYDROELECTRIC)
LIMITED PARTNERSHIP,)
)
Plaintiff,)
)
v.)
)
PAUL B. MCCOY and)
BARBARA C. MCCOY,)
)
Defendants.)

1:09CV288

RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

On October 7, 2009, Plaintiff Jordan Hydroelectric Limited Partnership filed a motion for summary judgment against Defendants Paul B. McCoy and wife Barbara C. McCoy. The *pro se* Defendants have not responded to the summary judgment motion, and the time for response has run. *See* LR56.1(d).

Review of the summary judgment motion shows that Plaintiff has by competent evidence shown that just compensation for the easement claimed by Plaintiff is \$6,300. Further, as entry of default was entered against Defendants on July 8, 2009, Plaintiff is entitled to a judgment condemning a perpetual easement and right-of-way over, upon, across and under the property identified in the complaint to construct a transmission line consisting of one or more wires attached to poles for the purpose of transmitting electric power.

Defendants have not opposed the summary judgment motion or presented evidence to challenge the asserted just compensation of \$6,300.

Accordingly, **IT IS RECOMMENDED** that Plaintiff's summary judgment motion be granted as filed and that a default judgment of condemnation be entered.

/s/ P. Trevor Sharp
United States Magistrate Judge

Date: January 12, 2010