## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:09cv325

UNITED STATES OF AMERICA,	)
Plaintiff,	)
Vs.	) ORDER
\$10,820.00 IN UNITED STATES CURRENCY,	
Defendant.	)

THIS MATTER is before the court on plaintiff's "Withdrawal of Second Motion for Entry of Default" (#12) and Second Motion for Entry of Default Against All Persons and Entities (#11). Despite the caption, the government's "Withdrawal of Second Motion for Entry of Default" seeks affirmative relief from the court. The government is respectfully advised that the word "Motion" should appear in the caption of a pleading that seeks relief from the court. See Fed.R.Civ.P. 7(b). The reason this is needed is that the court reviews hundreds of ECF filings per week, and without the keyword "Motion" in the caption, it is very likely that such a pleading would be considered as simply a unilateral withdrawal of a previous motion (which is what the caption suggests) and take no further action.

## **ORDER**

IT IS, THEREFORE, ORDERED that plaintiff's "Withdrawal of Second Motion for Entry of Default" (#12) is **ALLOWED**, and the Second Motion for Entry of Default Against All Persons and Entities (#11) is **STRICKEN** without prejudice.

Signed: March 16, 2010

Dennis L. Howell

United States Magistrate Judge