THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CIVIL CASE NO. 1:11cv244

ER, S.A. de C.V.,)	
Plaintiff,)	
vs.) ORDEF	<u>२</u>
NAL LEGWEAR GRO) DUP,))	
Defendants.))	
	vs. NAL LEGWEAR GRO	Plaintiff,) vs.) NAL LEGWEAR GROUP,))

THIS MATTER is before the Court *sua sponte*.

On January 11, 2012, Magistrate Judge Dennis L. Howell granted the motion to withdraw filed by counsel for the Defendant International Legwear Group, Inc. ("ILG"). [Doc. 20]. In that Order, the Magistrate Judge advised ILG that as a corporation, it cannot proceed in this matter *pro se*. [Id. at 1-2]. Accordingly, the Magistrate Judge directed ILG to retain new counsel and for new counsel to enter an appearance within ten (10) days of the entry of the Order. [Id. at 2]. ILG was warned that failure to retain new counsel within this time period would result in a recommendation to the District Court that ILG's Answer to the Complaint be stricken and an entry of default be made against it. [Id.].

No appearance has been filed by a new attorney for ILG, and the deadline within which to do so has passed. As a corporate entity, ILG cannot proceed in this action in a *pro se* capacity. "It has been the law for the better part of two centuries . . . that a corporation may appear in federal courts only through licensed counsel." Rowland v. California Men's Colony, 506 U.S. 194, 201-02, 113 S.Ct. 716, 121 L.Ed.2d 656 (1993). As the Magistrate Judge correctly noted, where a corporate party has been warned that it cannot proceed *pro se* and must retain new counsel, it is appropriate to strike the corporate party's answer and make an entry of default against it. [See Doc. 20 at 2 (citing cases)]. As a result, the Court will strike ILG's Answer and will direct the Clerk of Court to make an entry of default against ILG.

IT IS, THEREFORE, ORDERED that the Answer of Defendant International Legwear Group, Inc. to USA Trouser, S.A. de C.V.'s Complaint [Doc. 11] is hereby STRICKEN.

IT IS FURTHER ORDERED that the Clerk of Court is **DIRECTED** to enter default against the Defendant International Legwear Group, Inc. pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Signed: January 31, 2012

Martin Reidinger United States District Judge