

**DISTRICT COURT OF THE UNITED STATES  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13-cv-595-FDW**

<b>LOWELL MASON VARNEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	<b><u>ORDER</u></b>
<b>FNU MULLISK, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court on Plaintiff’s Motion to Appoint Counsel, (Doc. No. 27), and on Plaintiff’s “Motion for Default Judgment” as to Defendant Uris Bennett, (Doc. No. 28).

Plaintiff’s motion to appoint counsel is denied for the same reasons the Court has denied his previous motions to appoint counsel. See (Doc. No. 9). If the case proceeds to trial, the Court will revisit the issue of appointment of counsel.



As for Plaintiff’s “Motion for Default Judgment,” Plaintiff notes that Defendant Bennett has not filed an Answer or otherwise responded to Plaintiff’s Complaint. The docket indicates that Bennett was served with summons on June 1, 2015. (Doc. No. 25). This Court entered an order dated August 19, 2015, giving the North Carolina Attorney General thirty days to inform the Court whether it intended to represent Bennett in this matter. (Doc. No. 26). The Court will deny Plaintiff’s motion for default judgment at this time to allow the North Carolina Attorney General time to respond before entering default judgment.<sup>1</sup>

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<sup>1</sup> In any event, before this Court may grant a motion for default judgment, Plaintiff must first

**IT IS, THEREFORE, ORDERED** that:

1. Plaintiff's Motion to Appoint Counsel, (Doc. No. 27), and Plaintiff's Motion for Default Judgment, (Doc. No. 28), are **DENIED**.

  
Frank D. Whitney  
Chief United States District Judge 

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file a motion for entry of default with the Clerk of this Court. See FED. R. CIV. P. 55.