

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-252-FDW**

BRANDON GERALD STEELE,)	
)	
Plaintiff,)	
)	
vs.)	
)	
FNU ROBINSON, et al.,)	
)	
Defendants.)	
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ORDER

THIS MATTER is before the Court on the following motions, filed by pro se Plaintiff Brandon Steele: Plaintiff’s motion for default judgment against Defendant Renesha Robinson, (Doc. No. 29); Plaintiff’s Motion for Entry of Default, (Doc. No. 40); and Plaintiff’s Motion for Default Judgment, (Doc. No. 41).

In this action, filed under 42 U.S.C. § 1983, Plaintiff alleges that Defendant Robinson, a former employee of the North Carolina Department of Public Safety, used excessive force against Plaintiff on February 25, 2015, while Plaintiff was incarcerated at Lanesboro Correctional Institution. On July 23, 2015, this Court determined that Plaintiff’s allegations against Defendant Robinson survived initial review. (Doc. No. 6). The Court will not recite the full procedural background regarding Defendant Robinson’s failure to appear in this action to defend Plaintiff’s excessive force claim against her. Suffice it to say, it now appears that Robinson has been duly and properly served with both the summons and the complaint, as well as with Plaintiff’s motions for entry of default and default judgment, and Defendant Robinson has failed to appear in this case to defend Plaintiff’s excessive force claim against her. See (Doc. No. 45).

The Court finds, therefore, that it is appropriate to reinstate the Clerk's prior entry of default against Defendant Robinson.¹ See (Doc. No. 28). Furthermore, Plaintiff is entitled to an order of default judgment against Defendant Robinson for failure to appear in this matter. See FED. R. CIV. P. 55(b). The entry of default judgment will be entered with respect to liability only, and the Court will conduct an inquest into damages at a later date, after the Court has addressed the pending motion for summary judgment filed by the only remaining Defendant in this action, Antonio Henderson. See (Doc. No. 31).

IT IS THEREFORE ORDERED THAT:

- (1) The prior Entry of Default against Defendant Robinson is reinstated, and the Court further finds that default judgment shall be entered against Defendant Robinson for failing to appear in this action to defend the allegations brought by Plaintiff.
- (2) To this extent, the following motions by Plaintiff are **GRANTED** to the extent that the Court is entering default judgment against Defendant Robinson for liability only: (1) Plaintiff's motion for default judgment against Defendant Renesha Robinson, (Doc. No. 29); (2) Plaintiff's Motion for Entry of Default, (Doc. No. 40); and (3) Plaintiff's Motion for Default Judgment, (Doc. No. 41).
- (3) The U.S. Marshal is hereby instructed to personally serve Defendant Robinson with this Order in accordance with FED. R. CIV. P. 4.

Signed: August 23, 2017



Frank D. Whitney
Chief United States District Judge



¹ The Court previously set aside the Clerk's entry of default because it did not appear that Defendant Robinson had been personally served with the motion for entry of default or the motion for default judgment. See (Doc. No. 30).