

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-00594-RJC-DSC**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 JUDSON E. WALKER,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER comes before the Court upon Plaintiff’s Motion for Entry of Default. (Doc. No. 11). Plaintiff filed its Complaint on December 7, 2015, (Doc. No. 1), and Defendant was served in person on February 19, 2016, (Doc. Nos. 3, 4). Defendant failed to file an Answer; therefore, on July 13, 2016, the Court directed Plaintiff to file a Motion for Entry of Default. (Doc. No. 7). Without offering any explanation as to his dilatory conduct, Defendant filed his Answer the next day on July 14, 2016. (Doc. No. 8). Thereafter, in order to comply with the Court’s Order, Plaintiff filed its Motion for Entry of Default on July 27, 2016. (Doc. No. 11).

Although more than two months late, Defendant has now filed his Answer in this action. Therefore, in light of the liberal standard applicable to setting aside an entry of default, Tolson v. Hodge, 411 F.2d 123, 130 (4th Cir. 1969), the Court will **deny** Plaintiff’s Motion for Entry of Default. The Court, however, will allow Plaintiff to file an affidavit outlining any extra costs incurred in preparing and filing the Motion for Entry of Default for the Court’s consideration as a sanction against Defendant. Such affidavit shall be filed within twenty-one (21) days of the entry of this Order.

IT IS, THEREFORE, ORDERED that Plaintiff’s Motion for Entry of Default, (Doc. No.

11), is **DENIED**. Plaintiff shall have twenty-one (21) days from the entry of this Order within which to file an affidavit outlining any extra costs incurred in preparing and filing the Motion for Entry of Default.

IT IS FURTHER ORDERED that, pursuant to Local Civil Rule 16.1, the parties conduct an Initial Attorneys' Conference within fourteen (14) days. At the conference, the parties are required to discuss the issue of consent to jurisdiction of a magistrate judge in accordance with Local Rules 16.1(A) and 73.1(C). The Certificate of Initial Attorneys' Conference should be filed within seven (7) days of the conference. If appropriate, a party may file a Motion to Stay the Initial Attorneys' Conference.

Signed: August 25, 2016



Robert J. Conrad, Jr.
United States District Judge

