

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:16-cv-88-FDW**


<b>RONALD McCLARY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>BELQUIS HOPKINS, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court on Plaintiff’s Motion for Default Judgment (Doc. No. 58), in which he seeks the entry of default judgment against Defendants for their attempts to evade service of process.

On April 11, 2018, the Clerk of Court was ordered to commence the procedure for waiver of service of process as set forth in Local Rule 4.3 for Defendants Hopkins, Mitchell, and Searles, who are current or former employees of the North Carolina Department of Public Safety (NC DPS). (Doc. No. 55). NC DPS has 60 days to accept or refuse service of process under Rule 4.3(b). That time limit has not yet expired. Therefore, Defendants are not in default and Plaintiff’s Motion will be denied.

**IT IS THEREFORE ORDERED** that:  
  
Plaintiff’s Motion for Default Judgment, (Doc. No. 58), is **DENIED**.

Signed: April 27, 2018

  
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Frank D. Whitney  
Chief United States District Judge 