

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

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

THIS MATTER is before the Court on Plaintiff’s Motion for Default Judgment, (Doc. No. 63), and the North Carolina Department of Public Safety’s (“NC PDS”) Sealed Notice informing the Court that it has been unable to procure a waiver of service of process for Defendant Belquis Hopkins in accordance with the Court’s April 11, 2018, Order, (Doc. No. 55). NC DPS has provided the last known addresses for Defendant Hopkins under seal. (Id.).

Plaintiff’s Motion for Default Judgment will be denied because Defendant Hopkins is still unserved and the other Defendants’ Answers are not yet due. See (Doc. No. 64, 68, 69).


The Clerk of Court is directed to notify the United States Marshal that Defendant Hopkins needs to be served with the summons and Amended Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If Defendant Hopkins cannot be served at the address provided by the NC DPS, the U.S. Marshal shall be responsible for locating her home address so that she may be served. See 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court

must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915....”). If the U.S. Marshal is unable to obtain personal service on Defendant Hopkins, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose Defendant’s home addresses to the *pro se* incarcerated Plaintiff and shall file any document containing such address under seal.

IT IS THEREFORE ORDERED that:

- (1) Plaintiff’s Motion for Default Judgment, (Doc. No. 63), is **DENIED**.
- (2) The U.S. Marshal shall use all reasonable efforts to locate and obtain personal service on Defendant Hopkins at Defendant’s home address. If the U.S. Marshal is unable to obtain personal service on Defendant Hopkins, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.
- (3) The Clerk is respectfully instructed to mail a copy of the Amended Complaint, (Doc. No. 39), the Sealed Notice containing Defendant Hopkins’ last known home address, (Doc. No. 69), and this Order to the U.S. Marshal.

Signed: June 12, 2018



Frank D. Whitney
Chief United States District Judge

