

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-561-FDW**

EDWARD EARL BROWN, JR.,)
)
 Plaintiff,)
)
 vs.)
)
 A. PHILLIPS, et al.,)
)
 Defendants.)
 _____)

ORDER


THIS MATTER is before the Court on Plaintiff’s “Declaration for Entry of Default,” (Doc. Nos. 42), in which he seeks the entry of default judgment against Defendants for their failure to answer the Complaint within 20 days of service.

Defendant Rorie, the only Defendant upon whom service has been successful to date, has been granted an extension of time to file an answer until May 7, 2018. The other Defendants’ summonses were returned unexecuted and the U.S. Marshals Service has been ordered to use reasonable efforts to locate and obtain service on the remaining Defendants. See (Doc. No. 33). Therefore, Defendants are not in default and Plaintiff’s motion will be denied.

IT IS THEREFORE ORDERED that:

- (1) Plaintiff’s Motion for default judgment, (Doc. Nos. 42), is **DENIED**.

Signed: March 13, 2018



Frank D. Whitney
Chief United States District Judge

