

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOEL MONTGOMERY,

Plaintiff,

-vs-

FEDERAL BUREAU OF
INVESTIGATION, et al.,

Defendants.

:

Case No. 3:13-cv-174

:

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

DECISION AND ORDER

This case is before the Court on Plaintiff's Application to the Clerk for Entry of Default pursuant to Fed. R. Civ. P. 55(a) (Doc. No. 17). Because the United States Attorney's Office for the Southern District of Ohio had previously filed a suggestion of improper service (Doc. No. 11), the Clerk referred the Application to the Magistrate Judge for consideration. On the Court's Order (Doc. No. 18), Defendants filed a Response to the Application (Doc. No. 19) and Plaintiff has filed a Reply in support (Doc. No. 20). At Plaintiff's instance, Alias Summonses were issued by the Clerk on November 21, 2013 (Doc. No. 21), to the Federal Bureau of Investigation (PageID 106-07), the United States Air Force (PageID 108-09), the Attorney General of the United States (PageID 110-11), and the United States Attorney for the Southern District of Ohio (PageID 112-13).

Because Plaintiff acknowledges in his Reply that he has not completed service on the Defendants as of November 15, 2013, the Application for Default is DENIED.

The Complaint in this case was filed May 31, 2013 (Doc. No. 1). Under Fed. R. Civ. P. 4(m), service of process is required to be completed within 120 days of filing, or not later than September 28, 2013. Pursuant to Fed. R. Civ. P. 4(m), it is hereby ORDERED that Plaintiff effect service of process not later than December 2, 2013.

November 21, 2013.

s/ *Michael R. Merz*
United States Magistrate Judge