IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Miyuki Maureen Johnson, Plaintiff, vs. Col. Eric Edwards; Col. Clem Donald McDuffie; GS-13 Carla M. Laird; and GS-15 Andrea V. Gardener, in their individual and personal capacities, Defendants.	)	C/A No.: 3:17-1122-JFA-SVH ORDER

This matter is before the Court on Plaintiff's motions for final, default, and summary judgment [ECF Nos. 41, 43, 47, 48], and motion for names of the Clerk of Court's Deputy Clerks [ECF No. 45]. Under Local Civ. Rule 73.02(B)(2)(e) (D.S.C.), all pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge. For the reasons that follow, the court denies Plaintiff's motions.

I. Motions for Judgment

Plaintiff, proceeding pro se, brought this action against Col. Eric Edwards, Col. Clem Donald McDuffie, GS-13 Carla M. Laird, and GS-15 Andrea V. Gardener ("Defendants"). [ECF No. 1]. Because Defendants are federal employees, they are entitled to 60 days to answer or otherwise plead under Fed. R. Civ. P. 12(a)(3) after proper service. The docket reflects that the United States Attorney's Office was served on July 13, 2017. [ECF No. 37 (acknowledging service of the summons and complaints); and ECF No. 35 (reflecting summons returned executed)].

The undersigned denies Plaintiff's motions for final and summary judgment [ECF Nos. 41, 43, 48]. Specifically, Plaintiff's motions are based on a false assumption that defendants are in default. Defendants are not in default and have until September 14, 2017, to file an answer or other responsive pleading.

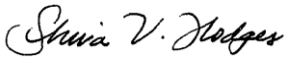
II. Freedom of Information Act Request

Further, the court denies Plaintiff's motion pursuant to the Freedom of Information Act, 5 U.S.C. 552(a), for the full names of the Clerk of Court's Deputy Clerks and Chief Deputy. The Freedom of Information Act, codified at 5 U.S.C. §§ 551 and 552, does not apply to the Judicial Branch. See 5 U.S.C. § 551(1)(B) (excluding the courts of the United States from the definition of "agency" used in § 551 et seq. of Title 5); see also Nero v. Maryland, 487 F. App'x 89, 90 (4th Cir. 2012) (holding Freedom of Information Act applies only to federal agencies and does not apply to the courts); In re Walker, No. CR.3:05-759-JFA-22, 2010 WL 2044651, at *2 (D.S.C. May 21, 2010)("A federal court is **not** subject to the federal Freedom of Information Act.")(emphasis in original).

III. Conclusion

For the foregoing reasons, Plaintiff's motions [ECF Nos. 41, 43, 45, 47, 48] are denied.

IT IS SO ORDERED.



August 29, 2017
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge