

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Kenneth Ray Bates,

Plaintiff,

v.

ELI Solutions LLC,

Defendant.

Case No.: 4:17-cv-1838-SAL

ORDER

This matter is before the Court pursuant to the Court's January 22, 2021 Order (the "Order"). [ECF No. 136]. In the Order, this Court ordered Defendant ELI Solutions, LLC to return all of Plaintiff's original materials by February 4, 2021. *Id.* The Court stated that if Defendant failed to comply, the Court would appoint a person to return the documents at the Defendant's expense. *Id.* The Order also directed Plaintiff to inform the Court how he wished to receive his money damages and materials. *Id.* Plaintiff complied with the order, [ECF No. 139], and Defendant did not.

Rule 70(a) of the Federal Rules of Civil Procedure provides:

If a judgment requires a party to convey land, to deliver a deed or other document, or perform any other specific act and the party fails to comply within the time specified, the court may order the act to be done—at the disobedient party's expense—by another person appointed by the court. When done, the act has the same effect as if done by the party.

Fed. R. Civ. P. 70(a). Here, Defendant failed to comply within the time specified. Accordingly, Plaintiff's motion, ECF No. 134, is GRANTED. The clerk shall issue a writ of execution against ELI Solutions, LLC. The Court appoints and ORDERS the United States Marshals Service to collect the \$400.00 default judgment and the original materials Plaintiff submitted to ELI Solutions, LLC. The \$400.00 judgment is to be delivered to Plaintiff's trust fund account at FCI

Hazelton. FCI Hazelton's trust fund supervisor can be reached at jtilghman@bop.gov if assistance is needed to transfer the funds. Plaintiff's original materials are to be mailed to Mrs. Tammy Milligan at 1981 South Reese St., Lima, OH 45804. This is to be carried out at Defendant's expense.

ELI Solutions, LLC lists its address on its website as P.O. Box 78, Mullins, SC 29574. *See* <https://live.vcita.com/site/nqfdp77sg4o4xacb>. Plaintiff effected service of process on ELI Solutions LLC at 6914 E. Highway 76, Mullins, SC 29574. [ECF No. 35 p.9]. Upon information and belief, ELI Solutions LLC is a Virginia limited liability company with its principal office at 6506 CoachLeigh Way, Alexandria, VA 22315. *See* Business Entity Search, Virginia State Corporation Commission Clerks Information System, <https://cis.scc.virginia.gov/EntitySearch/Index> (enter "Eli Solutions" in "Entity Name" field). ELI Solutions LLC's registered agent is Elias Abubaker. *Id.*

IT IS SO ORDERED.

April 16, 2021
Florence, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge