IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ROME DIVISION

GEORGIACARRY.ORG, INC.)
And DAVID JAMES,)
)
Plaintiffs) CIVIL ACTION FILE NO.
)
V.) 4:14-CV-139-HLM
)
)
THE U.S. ARMY CORPS OF)
ENGINEERS,)
And)
JON J. CHYTKA, in his official)
Capacity as Commander, Mobile)
District of the US Army Corps of)
Engineers,)
)
Defendants.)
	·

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR CLERK'S ENTRY OF DEFAULT

Plaintiffs commenced this action to enjoin Defendants' enforcement of 36

C.F.R. § 327.13. Each Defendant was served on June 13, 2014, and such service

included service on the United States Attorney. Docs. 6 and 7. U.S. Governmental

officers sued in an official capacity and agencies of the United States must serve an

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answer to the complaint within 60 days of service on the United States Attorney. Fed.R.Civ.Proc. 12(a)(2).

Sixty days from June 13 was August 12, 2014, and upon the records of the Clerk, no answer or other response to the Complaint has been filed by either Defendant as of this writing.

Pursuant to Fed.R.Civ.Proc. 55(a), the Clerk must enter a default against a Defendant that fails to plead or otherwise defend. Plaintiffs therefore more for the Clerk to enter a default against each Defendant.

JOHN R. MONROE,

/s/ John R. Monroe John R. Monroe Attorney at Law 9640 Coleman Road Roswell, GA 30075 Telephone: (678) 362-7650 Facsimile: (770) 552-9318 jrm@johnmonroelaw.com Georgia Bar No. 516193 ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that on August 14, 2014, I served a copy of the foregoing via ECF upon:

Daniel Riess Daniel.riess@usdoj.gov

/s/ John R. Monroe

RULE 7.1D CERTIFICATION

I certify that this brief was prepared in accordance with the page, font, size, margin and other requirements of Rules 7.1D and 5.1C.

/s/ John R. Monroe

John R. Monroe