

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

GEORGIACARRY.ORG, INC.)
And DAVID JAMES,)

Plaintiffs)

v.)

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.)

CIVIL ACTION FILE NO.

4:14-CV-139-HLM

PLAINTIFFS' MOTION FOR CLERK'S ENTRY OF DEFAULT

Plaintiffs move for entry of default against Defendants. As grounds for this Motion, Plaintiffs rely on the record and the accompanying Memorandum of Law.

JOHN R. MONROE,

_____/s/ John R. Monroe_____
John R. Monroe
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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
John R. Monroe

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
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| | | |
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| 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

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.

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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