FILED: April 11, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-2219, Quancidine Hinson-Gribble v. US Office of Personnel Mgmt
5:16-cv-00070-FL

NOTICE OF JUDGMENT

Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

PETITION FOR WRIT OF CERTIORARI: To be timely, a petition for certiorari must be filed in the United States Supreme Court within 90 days of this court's entry of judgment. The time does not run from issuance of the mandate. If a petition for panel or en banc rehearing is timely filed, the time runs from denial of that petition. Review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for compelling reasons. (www.supremecourt.gov)

VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL: Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, www.ca4.uscourts.gov, or from the clerk's office.

BILL OF COSTS: A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-2219

QUANCIDINE HINSON-GRIBBLE,

Plaintiff - Appellant,

v.

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT; SURVIVORS OUTREACH SERVICES,

Defendants - Appellees,

and

KATHERINE ARCHULETA, Former Director; DONNA SEYMOUR, Chief Information Officer; ARMY COMMUNITY SERVICES; CHARLOTTE WATSON; AMY MELENDEZ; JOANIE L. HAMMONS; DAVID E. MCDERMOTT, Deputy Director, Operations; JIM SZATKOWSKI, Congressional Team Lead; CYNTHIA VIRRUETA, Beneficiary Services Branch; JOHN W. ELLERBE, DA Project Manager; JIM KLEMOWSKI; ETHEL KNOCK, ID Card Supervisor; JEFFREY M. SANBORN, Colonel; KAY HAGAN, Senator,

Defendants.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, District Judge. (5:16-cv-00070-FL)

Submitted: March 22, 2019 Decided: April 11, 2019

Before AGEE and QUATTLEBAUM, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Quancidine Hinson-Gribble, Appellant Pro Se. Roberto Francisco Ramirez, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee United States Office of Personnel Management.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Quancidine Hinson-Gribble appeals the district court's order dismissing her civil action without prejudice for insufficient service of process.* Finding no reversible error, we affirm.

We review for abuse of discretion a district court's dismissal of an action for insufficient service of process. *See Shao v. Link Cargo (Taiwan) Ltd.*, 986 F.2d 700, 708 (4th Cir. 1993). Here, the district court correctly concluded that neither the United States Attorney's Office for the Eastern District of North Carolina nor the United States Attorney General were properly served, as required to effect service on any of the federal agencies and officers Hinson-Gribble named as defendants. *See* Fed. R. Civ. P. 4(i). Hinson-Gribble's in forma pauperis status and reliance on the United States Marshals Service to complete service do not excuse this deficiency, as Hinson-Gribble failed to take any steps to remedy the service defect even after the district court notified her of the appropriate steps for perfecting service and provided her with additional time to comply. *See Rochon v. Dawson*, 828 F.2d 1107, 1110 (5th Cir. 1987); *cf. Olsen v. Mapes*, 333 F.3d 1199, 1205 (10th Cir. 2004) (holding that lack of compliance with Rule 4(i) did not justify dismissal where district court's orders did not provide "specific instructions to

* Although Hinson-Gribble questions a reference in the district court's judgment to a "show cause" order, the court clearly based its dismissal on Hinson-Gribble's failure to adequately serve Defendants and provide timely proof of such service, as the court had directed her to do in its August 22, 2018, order. Hinson-Gribble's district court filings also belie her contention that she did not receive the August 22 order ruling on her motions for default judgment and Defendants' motion to dismiss.

Plaintiffs as to how to correct the defects in their service," and plaintiffs made good faith attempt to comply with rule and court orders regarding proper service). We therefore discern no abuse of discretion in the district court's dismissal of the action without prejudice for insufficient service.

Hinson-Gribble also contests the district court's denial of her motions for default judgment. Contrary to Hinson-Gribble's assertion, Defendants' time to file a motion to dismiss for insufficient service did not begin to run until after the district court completed its frivolity review in September 2017. *See Robinson v. Clipse*, 602 F.3d 605, 608 (4th Cir. 2010). And because a court cannot enter default judgment against a defendant on whom valid process was not served, *Armco, Inc. v. Penrod-Stauffer Bldg. Sys., Inc.*, 733 F.2d 1087, 1089 (4th Cir. 1984), we conclude the district court did not abuse its discretion in declining to enter default judgments in this case, *see White v. Gregory*, 1 F.3d 267, 270 (4th Cir. 1993) (standard of review).

Finally, Hinson-Gribble argues that the district court should have recused itself. To the extent this issue is properly before us, *see Pornomo v. United States*, 814 F.3d 681, 686 (4th Cir. 2016) (declining to review issues raised for first time on appeal), our review of the record reveals no colorable grounds for recusal, sua sponte or otherwise, *see* 28 U.S.C. § 455(a), (b) (2012); *Liteky v. United States*, 510 U.S. 540, 555-56 (1994).

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC: A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 35 & 40, Loc. R. 40(c)).

MANDATE: In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

U.S. COURT OF APPEAL FOR THE FOURTH CIRCUIT BILL OF COSTS FORM

(Civil Cases)

Directions: Under FRAP 39(a), the costs of appeal in a civil action are generally taxed against appellant if a judgment is affirmed or the appeal is dismissed. Costs are generally taxed against appellee if a judgment is reversed. If a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed as the court orders. A party who wants costs taxed must, within 14 days after entry of judgment, file an itemized and verified bill of costs, as follows:

- Itemize any fee paid for docketing the appeal. The fee for docketing a case in the court of appeals is $500 (effective 12/1/2013). The $5 fee for filing a notice of appeal is recoverable as a cost in the district court.
- Itemize the costs (not to exceed $.15 per page) for copying the necessary number of formal briefs and appendices. (Effective 10/1/2015, the court requires 1 copy when filed; 3 more copies when tentatively calendared; 0 copies for service unless brief/appendix is sealed.). The court bases the cost award on the page count of the electronic brief/appendix. Costs for briefs filed under an informal briefing order are not recoverable.
- Cite the statutory authority for an award of costs if costs are sought for or against the United States. See 28 U.S.C. § 2412 (limiting costs to civil actions); 28 U.S.C. § 1915(f)(1) (prohibiting award of costs against the United States in cases proceeding without prepayment of fees).

Any objections to the bill of costs must be filed within 14 days of service of the bill of costs. Costs are paid directly to the prevailing party or counsel, not to the clerk's office.

Case Number & Caption: _____

Prevailing Party Requesting Taxation of Costs: _____

Appellate Docketing Fee (prevailing appellants):			**Amount Requested:** _____			**Amount Allowed:** _____	
Document	**No. of Pages**		**No. of Copies**		**Page Cost (≤$.15)**	**Total Cost**	
	Requested	**Allowed** (court use only)	**Requested**	**Allowed** (court use only)		**Requested**	**Allowed** (court use only)
TOTAL BILL OF COSTS:						$0.00	$0.00

1. If copying was done commercially, I have attached itemized bills. If copying was done in-house, I certify that my standard billing amount is not less than $.15 per copy or, if less, I have reduced the amount charged to the lesser rate.
2. If costs are sought for or against the United States, I further certify that 28 U.S.C. § 2412 permits an award of costs.
3. I declare under penalty of perjury that these costs are true and correct and were necessarily incurred in this action.

Signature: _____ **Date:** _____

Certificate of Service

I certify that on this date I served this document as follows:

Signature: _____ **Date:** _____

FILED: April 11, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-2219
(5:16-cv-00070-FL)

QUANCIDINE HINSON-GRIBBLE

Plaintiff - Appellant

v.

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT; SURVIVORS OUTREACH SERVICES

Defendants - Appellees

and

KATHERINE ARCHULETA, Former Director; DONNA SEYMOUR, Chief Information Officer; ARMY COMMUNITY SERVICES; CHARLOTTE WATSON; AMY MELENDEZ; JOANIE L. HAMMONS; DAVID E. MCDERMOTT, Deputy Director, Operations; JIM SZATKOWSKI, Congressional Team Lead; CYNTHIA VIRRUETA, Beneficiary Services Branch; JOHN W. ELLERBE, DA Project Manager; JIM KLEMOWSKI; ETHEL KNOCK, ID Card Supervisor; JEFFREY M. SANBORN, Colonel; KAY HAGAN, Senator

Defendants

18-2219

Quancidine Hinson-Gribble
6129 Louise Street
Fayetteville, NC 28314-2720

United States District Court
Eastern District of North Carolina
Office of the Clerk
PO Box 25670
Raleigh, North Carolina 27611

Phone (919) 645-1700
Fax (919) 645-1750

Peter A. Moore, Jr.
Clerk of Court

October 5, 2018

Quancidine Hinson-Gribble
6129 Louise Street
Fayetteville, NC 28314

RE: Hinson-Gribble v. United States Office of Personnel Management, et al
5:16-cv-70-FL

Dear Ms. Hinson-Gribble:

On October 5, 2018 the court entered an order by a text-only docket entry in your case. This order states as follows:

> TEXT ORDER - This matter is before the court on its previous order requiring plaintiff to properly show service by no later than September 30, 2018 92 . Plaintiff has failed to show proper service of defendants in this case, as required by the Federal Rules of Civil Procedure and by this court. Therefore, plaintiff's action is DISMISSED without prejudice for failure to serve. The court construes defendant's response as a second motion to reconsider its prior order, and DENIES AS MOOT plaintiff's second motion to reconsider 95 . The clerk is DIRECTED to close this case. Signed by District Judge Louise Wood Flanagan on 10/5/2018. (Collins, S.) (Entered: 10/05/2018)

The court did not write the order on a separate document. This entry *is* the order of the court. As explained in Section V(I)(2) of the Eastern District of North Carolina's Case Management/Electronic Case Filing Policy Manual, the text-only entry is the court's only order on the matter, and a *docket text order is official and binding.*

If you need additional information, you may refer to the policy manual, which is posted on the district's website at http://www.nced.uscourts.gov/pdfs/cmecfPolicyManual.pdf. You may also review the policy manual on file at the Clerk's Office. Thank you for your attention to this matter.

Sincerely,

/s/ Sandra K. Collins

Sandra K. Collins, Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:16-CV-00070-FL

QUANCIDINE HINSON-GRIBBLE, Plaintiff, v. UNITED STATES OFFICE OF PERSONNEL MANAGEMENT, and SURVIVORS OUTREACH SERVICES,[1] Defendants.	)	ORDER

This matter comes before on defendants' motion to dismiss for insufficient service of process (DE 86). Also pending before the court are plaintiff's motions for entry of default. (DE 79, 82, and 83). In this posture, the issues raised are ripe for ruling. For the reasons stated herein, the court grants defendants' motion to dismiss and denies plaintiff's motions for entry of default.

BACKGROUND

The court incorporates herein the background description of the case set forth in the court's prior orders, supplemented as follows. (DE 52 at 2-5 and DE 54). Plaintiff initiated this action by filing a motion for leave to proceed in forma pauperis ("IFP") on February 11, 2016, accompanied by proposed complaint. Plaintiff asserts claims against defendants for violations of the Federal

[1] The court hereby constructively amends the case caption to reflect dismissal of Katherine Archeleta ("Archeleta"), Donna Seymour ("Seymour"), Charlotte Watson ("Watson"), Amy Melendez ("Melendez"), Cynthia Virrueta ("Virrueta"), John Ellerbe ("Ellerbe"), Jim Klemowski ("Klemowski") and Ethel Knock ("Knock") as defendants in this action. (See DE 54). The Army Community Service, Joanie Hammons ("Hammons"), David McDermott ("McDermott"), Jim Szatkowski ("Szatkowski"), Jeffrey Sanborn ("Sanborn"), and Kay Hagan ("Hagan") have already been terminated as parties to this action.

Information Security Management Act, 44 U.S.C. § 3541 et seq. ("FISMA"), as amended by the Federal Information Security Modernization Act fo 2014, Pub. L. No. 113–283, 40 U.S.C. § 11331, and the Privacy Act of 1974, 5 U.S.C. § 552(a) (the "Privacy Act"). Plaintiff's claims all arise from defendants' involvement in her alleged identity theft and the subsequent concealment thereof. Plaintiff seeks compensatory damages, reinstatement of her survivor's benefits and certain other medical benefits, issuance of a new government identification card, and trial by jury.

On July 11, 2017, the magistrate judge granted plaintiff's IFP petition and issued an M&R, recommending dismissal of all claims asserted under FISMA and 40 U.S.C. § 1131 for lack of subject matter jurisdiction. With respect to plaintiff's Privacy Act claims, the magistrate judge recommended dismissal of all such claims against the individual defendants and all claims against the agency defendants, which seek to challenge the substantive decisions made with respect to the various benefits at issue, for lack of subject matter jurisdiction. The magistrate judge also recommended dismissing all remaining Privacy Act claims aginst defendants United States Army Installation Command ("Installation Command") and Defense Finance and Accounting Services ("DFAS"). The magistrate judge recommended allowing plaintiff's remaining Privacy Act claims against defendant United States Office of Personnel Management ("OPM"), the Survivor's Outreach Center ("Outreach Center"), the Department of Defense Manpower Data Center ("DMDC"), the United States Attorney Project Office ("APO"), and the Fort Bragg ID Card Facility ("ID Card Facility") to proceed.

On September 8, 2017, and over plaintiff's objections, the court entered an order adopting the M&R in full. Therein, the court dismissed plaintiff's FISMA and 40 U.S.C. § 11331 claims. The court also dismissed plaintiff's Privacy Act claims against the individual defendants, the

Installation Command, the DFAS, and the agency defendants, to the extent such claims against the agency defendants sought to challenge substantive decisions made by the agencies. The court allowed plaintiff's remaining Privacy Act claims against the OPM, the Outreach Center, the DMDC, the APO, and the ID Card Facility to proceed. Thereafter, summons were issued and plaintiff's complaint was filed on the docket. (DE 56).

On October 24, 2017, plaintiff filed a letter seeking entry of default against defendants McDermott, Seymour, and Archeleta, which the court construes as a motion for entry of default. (DE 79).[2] On November 6, 2017, plaintiff filed a motion for entry of default against defendants Melendez, Knock, Watson, Klemowski, Virrueta, Szatkowski, Hammons, Ellerbe, Hagan, and Sanborn. (DE 82). On November 16, 2017, plaintiff filed a motion for entry of default against the United States Office of Personnel Management, the Survivor's Outreach Center, and the Army Community Service. (DE 83).

On March 9, 2018, defendants filed jointly, by and through the United States Attorney for the Eastern District of North Carolina, the instant motion to dismiss, together with a memorandum in support thereof. Plaintiff filed response in opposition to defendants' motion to dismiss on March 14, 2018. Therein, plaintiff requests that the court enter default and deny defendants' motion to dismiss.

DISCUSSION

A. Standard of Review

1. Motion to Dismiss

A motion to dismiss under Federal Rule of Civil Procedure Rule 12(b)(5) challenges the

[2] Plaintiff filed a duplicate letter on October 27, 2017. (See DE 80).

sufficiency of service of process. "When the process gives the defendant actual notice of the pendency of the action, the rules . . . are entitled to a liberal construction" and "every technical violation of the rule or failure of strict compliance may not invalidate the service of process." Armco, Inc. v. Penrod-Stauffer Bldg. Sys., Inc., 733 F.2d 1087, 1089 (4th Cir. 1984). Nevertheless, "the rules are to be followed, and plain requirements for the means of effecting service of process may not be ignored." Id. The plaintiff bears the burden of establishing that process has been properly served. Dalenko v. Stephens, 917 F. Supp. 2d 535, 542 (E.D.N.C. 2013); see also Mylan Labs., Inc. v. Akzo, N.V., 2 F.3d 56, 60 (4th Cir. 1993) (holding the plaintiff must prove service of process if challenged).

2. Motion for Entry of Default

Under Rule 55(a), entry of default is appropriate "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend . . ." Fed. R. Civ. P. 55(a). It is "axiomatic," however, that effective service of process on a defendant must be accomplished as a prerequisite for entry of default against that defendant. Maryland State Firemen's Ass'n v. Chaves, 166 F.R.D. 353, 354 (D. Md. 1996). This is because a defendant's duty to respond to a complaint only arises upon proper service of process. See Fed. R. Civ. P. 12(a). Thus, plaintiff must show, by affidavit or otherwise, that proper service of process has been effected before default may be entered. Except where service is made by a United States marshal or deputy marshal, proof of service must be made to the court by the server's affidavit. Fed. R. Civ. P. 4(*l*)(1).

B. Analysis

1. Motion to Dismiss (DE 86)

Under Rule 4 of the Federal Rules of Civil Procedure, "[a] summons must be served with

a copy of the complaint." Fed. R. Civ. P. 4(c)(1). The time limits set forth in Rule 4(m) require that plaintiff serve all defendants within 90 days after a complaint is filed. Fed. R. Civ. P. 4(m). "Unless service is waived, proof of service must be made to the court." Fed. R. Civ. P. 4(*l*). If plaintiff fails to effect service within this 90-day window, the court, on motion or on its own after notice to the plaintiff, must dismiss the action without prejudice. Id. However, if plaintiff shows good cause for its failure to effect service, the court must extend time for service for an appropriate period. Id.

Under Rule 4, service of process upon the United States is effective only after the plaintiff serves a copy of the summons and complaint upon 1) the United States Attorney's office of the district where the action is pending or the civil-process clerk for the United States attorney's office; 2) the Attorney General of the United States at Washington, D.C.; and 3) a nonparty agency or officer of the United States, if the action challenges an order of a nonparty agency or officer. Fed. R. Civ. P. 4(i)(1). In addition, "[t]o serve a United States agency . . . or a United States officer or employee sued only in a official capacity, [the plaintiff] must serve the United States and also send a copy of the summons and complaint by registered or certified mail to the agency, . . . officer, or employee." Id. at 4(i)(2). The United States then has 60 days following service of process to answer the complaint. Fed. R. Civ. P. 12(a)(3).

Here, following frivolity review, a copy of plaintiff's complaint was filed September 8, 2017. (See DE 56). Pursuant to Rule 4(m), plaintiff was required to effect service by December 7, 2018. As proof of service, plaintiff filed a "Process Receipt and Return" for each individually named defendant, as well as the OPM, the Survivors Outreach Service Center, and the Army Community

Services.[3] The Process Receipt and Returns indicate service of summons and complaint upon each of the aforementioned defendants by the United States Marshals Service ("Marshals Service").

While the Process Receipt and Returns suggest that plaintiff has expended some efforts to serve defendants through the Marshals Service, see Fed. R. Civ. P. (c), said documents do not establish that the United States Attorney's office of the Eastern District of North Carolina and the Attorney General of the United States at Washington, D.C. were also served with copy of summons and complaint. Where Rule 4(I) requires service of summons and complaint upon these individuals, the documents provided are insufficient to establish proof of service. Fed. R. Civ. P. 4(I).

Furthermore, to the extent plaintiff attempted to serve defendants OPM, Outreach Center, DMDC, APO, and the ID Card Facility through service upon Archeleta, in her former capacity as Director of the OPM, Seymour, in her capacity as Chief Information Officer of the OPM, Watson, in her capacity as employee of the Outreach Center, Melendez, in her capacity as employee of the Outreach Center, Virrueta, in her capacity as Chief of the Beneficiary Services Branch of the DMDC, Klemowski, in his capacity as employee of the APO, Ellerbe, in his capacity as DA Project Manager of the APO, and Knock in her capacity as ID Card Supervisor, such service attempts are also insufficient, where there is no evidence that plaintiff served the United States Attorney's office of the Eastern District of North Carolina and the Attorney General of the United States at Washington, D.C. with a copy of the summons and complaint in accordance with Rule 4(i).[4]

Despite the foregoing problems, plaintiff has produced some evidence of attempts to effect service of process as required by the rules. Accordingly, for good cause shown, plaintiff's deadline

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[3] Although plaintiff expended some efforts to serve the individually named defendants, such service efforts are of no effect where the court previously dismissed all individual defendants. (See DE 54). The court also previously dismissed the Army Community Service as defendant. (Id.).

[4] The DMDC, APO, or the ID Card Facility are not named defendants in this action.

to effect service is extended to September 21, 2018. See Fed. R. Civ. P. 4(m). If deficiencies noted above persist at that time, the court will dismiss this action without prejudice for failure to serve.

2. Motions for Entry of Default (DE 79, DE 82, and DE 83)

In light of the foregoing, where service of process has not been effected properly against any named defendant, the court must deny plaintiff's motions for entry of default. See Scott v. Dist. of Columbia, 598 F.Supp.2d 30, 36 (D.D.C.2009) ("Default cannot be entered where there was insufficient service of process.").

CONCLUSION

Based on the foregoing, the court GRANTS defendants' motion to dismiss (DE 86). For good cause shown, plaintiff's deadline to effect service is EXTENDED to September 21, 2018, and deadline for showing proof of service on the record shall be and is September 30, 2018. Plaintiff is NOTICED that failure to effect service properly within the appropriate time will result in dismissal of this action without prejudice for failure to serve, and the closing of this case. Where the court grants defendants' request, the court DENIES AS MOOT plaintiff's motions for entry of default (DE 79, DE 82, and DE 83).

SO ORDERED, this the 22nd day of August, 2018.

LOUISE W. FLANAGAN
United States District Judge

Additional material from this filing is available in the Clerk's Office.