

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

RUDOLPH CARNEIRO, TATIANA DINIZ-
PEREIRA, SDC and BDC,

Plaintiffs,

v.

Case No: 6:19-cv-421-Orl-40TBS

USCIS DISTRICT DIRECTOR
SOUTHEAST REGION, USCIS
DIRECTOR, ATTORNEY GENERAL OF
THE UNITED STATES and SECRETARY
OF HOMELAND SECURITY,

Defendants.

ORDER

This case comes before the Court on pro se Plaintiffs Rudolph Carneiro, Tatiana Diniz Pereira and their children's Motion for Entry of Default (Doc. 15). Plaintiffs seek the entry of default against Defendants Michael Borgen, United States Citizenship and Immigration Services District Director Southeast Region; L. Francis Cissna, United States Citizenship and Immigration Services Director; William Barr, Attorney General of the United States; and Kirstjen M. Nielsen, Secretary of Homeland Security, all of whom are sued in their official capacities (Docs. 1, 15). The motion is supported by returns of service showing substitute service on each Defendant (Docs. 15-2, 15-3, 15-4, 15-5, 15-6). Service of process on the United States, its agencies, corporations and officers is accomplished as follows:

(i) Serving the United States and Its Agencies, Corporations, Officers, or Employees.

(1) *United States*. To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought--or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk--or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

(2) *Agency; Corporation; Officer or Employee Sued in an Official Capacity.* To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

(3) *Officer or Employee Sued Individually.* To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

(4) *Extending Time.* The court must allow a party a reasonable time to cure its failure to:

(A) serve a person required to be served under Rule 4(i)(2), if the party has served either the United States attorney or the Attorney General of the United States; or

(B) serve the United States under Rule 4(i)(3), if the party has served the United States officer or employee.

FED. R. CIV. P. 4(i).

Because Plaintiffs have not demonstrated compliance with Rule 4(i) their motion is
DENIED.

DONE and ORDERED in Orlando, Florida on June 6, 2019.

A handwritten signature in blue ink, appearing to read 'T.B. Smith', is written over a horizontal line.

THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to Unrepresented Plaintiffs