ORIGINAL

In the United States Court of Federal Claims

No. 15-600C
(Filed September 3, 2015)
NOT FOR PUBLICATION

FILED
SEP 3 2015
U.S. COURT OF FEDERAL CLAIMS

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LAWERENCE BRANDON,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

* *

ORDER

On August 31, 2015, the Clerk's office received a document from plaintiff requesting that the court find defendant in default. The document was not filed at that time, due to plaintiff's failure to comply with the rules of our court. Pursuant to the Rules of the United States Court of Federal Claims (RCFC), plaintiff is required to provide two copies plus the original of any document submitted for filing. RCFC 5.5(d)(2). Also, of lesser importance, plaintiff is required to place the name of the assigned judge on all documents, other than the complaint, to be filed with the court. RCFC 5.5(g).

Although not styled as such, this document appears to be an application for a default judgment, under RCFC 55(b)(2). Because of plaintiff's *pro se* status, Mr. Brandon may have been unfamiliar with the rules of the court. As a consequence, the above-noted discrepancies will be ignored, and the Clerk's office is directed to file the document as an application for a default judgment.

Plaintiff's lack of familiarity with the rules, however, prompted the submission of this document when circumstances do not warrant it. When the government files a motion under RCFC 12 or 56, the deadline for filing an answer is altered. RCFC 12(a)(4). On August 14, 2015, the government filed a motion to dismiss the case pursuant to RCFC 12(b)(1). This altered the government's deadline for filing an answer. Should the court deny the government's motion, the

government's answer is then due within fourteen days of that denial. RCFC 12(a)(4)(i). Thus, the government is not in default.

The Court accordingly **DENIES** plaintiff's application for a default judgment, as defendant has timely filed a motion to dismiss the case. That motion is pending before the Court. Plaintiff's response to defendant's motion to dismiss the case is due on or by **September 14, 2015**.

IT IS SO ORDERED.

VICTOR J. WOLSKI
Judge