

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN W. MOORE,

Plaintiff,

v.

U. S. POSTAL SERVICE,

Defendant.

ORDER

10-cv-473-bbc

In this civil action for injunctive relief, plaintiff John Moore is proceeding on claims that the United States Postal Service breached a contract to provide him access to a post office box in exchange for his payment of a fee. Now before the court are two motions filed by plaintiff: (1) a motion for default judgment, dkt. #7; and (2) a motion for “issuance of subpoenas duces tecum” as to the Federal Bureau of Investigation, dkt. #8. I will deny both motions.

DISCUSSION

An entry of default against a party is proper only “[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). In this case, entry of default against defendant would be improper because

defendant has appeared in the case, filed an answer, participated in the pretrial conference and filed a motion for summary judgment. Thus, plaintiff's motion for entry of default must be denied.

With respect to plaintiff's motion for a subpoena as to the FBI, this motion will be denied as vague. Plaintiff seeks recorded tapes of his phone calls to the post office. Plaintiff does not say what is contained in these phone calls, why they are relevant to this case, why he believes the FBI would have records of such phone calls or whether he has sought to obtain the information from defendant or the FBI without a court order. Thus, I will deny the motion.

ORDER

IT IS ORDERED that plaintiff John Moore's motion for default, dkt. #7, and motion for a subpoena duces tecum as to the Federal Bureau of Investigation, dkt. #8, are DENIED.

Entered this 5th day of April, 2011.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge