

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:00-CV-490

FILED
CHARLOTTE, N.C.
02 NOV -4 AM 11:55
U.S. DISTRICT COURT
W. DIST. OF N.C.

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
KNIFE AND FORK ON SHARON)
AMITY, INC.,)
)
Defendant.)


ORDER

THIS MATTER comes before the Court upon its own motion.

The complaint in this case was filed by the EEOC on September 29, 2000. The Defendant never filed a responsive pleading. Therefore the EEOC moved for, and the clerk entered, Defendant's default under Fed. R. Civ. P. 55(a) on March 15, 2001. Since that time, the EEOC has failed to take any action in the prosecution of its claims, including failing to file a motion for a default judgment under Fed. R. Civ. P. 55(b).

THEREFORE, IT IS HEREBY ORDERED, that this case is DISMISSED for failure to prosecute.

This, the 4th day of November, 2002.


GRAHAM C. MULLEN
CHIEF UNITED STATES DISTRICT JUDGE

United States District Court
 for the
 Western District of North Carolina
 November 5, 2002

* * MAILING CERTIFICATE OF CLERK * *

Re: 3:00-cv-00490

True and correct copies of the attached were mailed by the clerk to the following:

Erania M. Ebron-Fubara, Esq.
 Equal Employment Opportunity Commission
 129 W. Trade St.
 Suite 400
 Charlotte, NC 28202-2799

- cc:
- Judge ()
 - Magistrate Judge ()
 - U.S. Marshal ()
 - Probation ()
 - U.S. Attorney ()
 - Atty. for Deft. ()
 - Defendant ()
 - Warden ()
 - Bureau of Prisons ()
 - Court Reporter ()
 - Courtroom Deputy ()
 - Orig-Security ()
 - Bankruptcy Clerk's Ofc. ()
 - Other _____ ()

Date: 11/5/02

Frank G. Johns, Clerk

By: *Clachas*
 Deputy Clerk