

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

FILED
CLERK OF SUPERIOR COURT
NEW HANOVER COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE #: 21-CVS-3915

JAN -5 2022

DAVID A. PERRY,

Plaintiff, at 3:15 am/pm
By [Signature] Dep/Asst CSC

v.

NEW HANOVER COUNTY BOARD OF
EDUCATION and NEW HANOVER
COUNTY SHERIFF,
Defendants.

ORDER ON PLAINTIFF'S MOTION
FOR ENTRY OF DEFAULT

A TRUE COPY
CLERK OF SUPERIOR COURT
NEW HANOVER COUNTY
BY: *Michelle W. Mitchell*
Deputy Clerk of Superior Court

THIS MATTER came on for hearing before the undersigned Superior Court Judge in and for the County of New Hanover on the 5th day of January, 2022 on Plaintiff's Motion for Entry of Default as to defendant New Hanover County Sheriff pursuant to Rule 55 of the North Carolina Rules of Civil Procedure. The Plaintiff appeared pro se. Defendant New Hanover County Sheriff appeared through New Hanover County attorney Sharon Huffman. The Court having heard the arguments of counsel and having reviewed the record finds:

1. That the defendant has made a general appearance in this action through counsel.
2. That the defendant contends no answer was necessary in that no affirmative relief was sought against the defendant Sheriff, only injunctive relief.
3. That no answer has been filed by the New Hanover County Sheriff as of the date of this hearing.

WHEREFORE, based on the forgoing findings of fact, the court concludes as a matter of law:

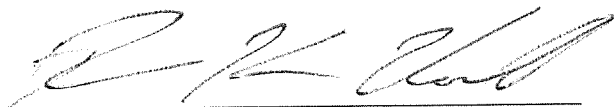
1. That the complaint seeks only a prohibitory injunction against the New Hanover County Sheriff;
2. That Rule 8 of the North Carolina Rules of Civil Procedure require an answer be filed to a complaint without regard to the nature of the relief sought.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That Plaintiff's motion for entry of default is denied.

2. Defendant New Hanover County Sheriff is directed to file an answer to the complaint within twenty days of the entry of this order.

This the 5th day of January, 2021.

A handwritten signature in black ink, appearing to read "R. Kent Harrell", written over a horizontal line.

R. Kent Harrell
Superior Court Judge Presiding