

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 5:24-cv-00456

RYAN BAILEY and RKB, INC.,

Defendants.

**REQUEST OF THE UNITED STATES OF AMERICA FOR ENTRY OF
DEFAULT AGAINST DEFENDANTS RYAN BAILEY AND RKB, INC.**

Pursuant to Fed.R.Civ.P. 55(a), plaintiff United States of America (“United States”) requests that the Clerk enter the default of defendants Ryan Bailey and RKB, Inc., because defendants Ryan Bailey and RKB, Inc., have failed to appear, plead, or otherwise respond to the Complaint filed in this civil action within the time required by law. The United States further states as follows:

1. The Complaint was filed in this civil action on August 28, 2024. *See* ECF No. 1. Summonses were issued by the Clerk for defendants Ryan Bailey and RKB, Inc., on August 29, 2024. *See* ECF Nos. 5, 5-1.

2. A copy of the summons and complaint was served upon the Secretary of State of West Virginia as statutory attorney-in-fact for RKB, Inc., and the Secretary of State of West Virginia filed a notice on September 11, 2024, indicating that service had been accepted on behalf of RKB, Inc., by the Secretary of State of West Virginia as statutory attorney-in-fact for RKB, Inc. *See* ECF No. 6. A return of service showing service on Ryan Bailey on September 11, 2024, was filed with the Court by Deputy United States Marshal Justin Ford of the United States Marshals Service on September 12, 2024. *See* ECF No 7. A return of service showing service on RKB, Inc.,

by service on Ryan Bailey as President of RKB, Inc., on September 11, 2024, was filed with the Court by Deputy United States Marshal Justin Ford of the United States Marshals Service on September 12, 2024. *See* ECF No 8. The above services were all valid pursuant to Fed.R.Civ.P. 4 and applicable federal law.

3. Defendants Ryan Bailey and RKB, Inc., have failed to appear, plead, or otherwise respond to the Complaint filed in this civil action within the time required by law (which was, October 2, 2024), and the time for doing so under has now expired. *See* Fed.R.Civ.P. 12.

4. Pursuant to Fed.R.Civ.P. 55(a), “When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.”

5. The United States has met the procedural requirements for obtaining entry of default as demonstrated by the record before the Court, namely ECF Nos. 1, 6, 7, and 8, and the failure of defendants Ryan Bailey and RKB, Inc., to appear, plead, or otherwise respond to the Complaint filed in this civil action within the time required by law.

Therefore, the United States respectfully requests that the Clerk enter default against defendants Ryan Bailey and RKB, Inc., upon the record of the Court.

Respectfully submitted.

WILLIAM S. THOMPSON
United States Attorney

s/Fred B. Westfall, Jr.
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Counsel for Plaintiff United States of
America

CERTIFICATE OF SERVICE

I, Fred B. Westfall, Jr., Assistant United States Attorney for the Southern District of West Virginia, hereby certify that on October 4, 2024, I electronically filed the foregoing **REQUEST OF THE UNITED STATES OF AMERICA FOR ENTRY OF DEFAULT AGAINST DEFENDANTS RYAN BAILEY AND RKB, INC.** with the Clerk of the Court, and I also served a copy thereof upon the following person and entity by United States mail, postage prepaid:

Ryan Bailey
429 Rebecca Lane
Beaver, WV 25813

RKB, Inc.
c/o Ryan Bailey
429 Rebecca Lane
Beaver, WV 25813

s/Fred B. Westfall, Jr.
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