

**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.

UNITED STATES' RESPONSE TO ORDER TO SHOW CAUSE

On January 29, 2026, the Court entered an Order (ECF No. 25) directing the parties to show cause why this matter should not be dismissed due to inactivity since the Court lifted the stay on October 23, 2025. In response, the United States asserts that since the Court lifted the stay, the United States has been engaged in evaluating the defendants' financial condition and working to negotiate a resolution of the claims set forth in the Complaint. Defendant Ryan Bailey has been slow to provide requested financial information regarding his ability to pay a civil settlement.

While the Court granted relief from the default previously entered against them, the United States notes that neither defendant has filed an answer or responsive pleading in this matter since the court lifted the stay on October 23, 2025. Neither the Court's order granting Defendants' motions to stay nor the Court's order lifting the stay specified an amount of time within which the defendants were required to file an answer or other responsive pleading. Pursuant to Rule 12(1)(A)(i) of the Federal Rules of Civil Procedure, the defendants were required to file an answer within 21 days after service was perfected. Accordingly, the United States has filed a second motion for default contemporaneously with this response.

Respectfully submitted,

MOORE CAPITO
United States Attorney

s/Gregory P. Neil

WV State Bar No. 11077
Assistant United States Attorney
Attorney for United States
300 Virginia Street East
Room 4000
Charleston, WV 25301
Phone: 304-345-2200
Fax: 304-347-5443
E-mail: greg.neil@usdoj.gov
Counsel for Plaintiff United States of America

CERTIFICATE OF SERVICE

I, Gregory P. Neil, Assistant United States Attorney for the Southern District of West Virginia, hereby certify that on February 5, 2026, I electronically filed the foregoing **UNITED STATES' RESPONSE TO ORDER TO SHOW CAUSE** with the Clerk of the Court using the CM/ECF system which will send notification to all counsel of record herein.

s/Gregory P. Neil

WV State Bar No. 11077
Assistant United States Attorney
Counsel for Plaintiff United States of America