

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

Civil Docket No. 11-2303

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Nicholas E. Purpura, *pro se*  
Donald R. Laster Jr. *pro se*  
et al.

**MOTION FOR ENTRY  
OF DEFAULT**

Plaintiffs/Appellants

v.

Request For Declaratory Judgment  
Individually & in their Official Capacity  
UNITED STATES DEPARTMENT OF HEALTH  
AND HUMAN SERVICES;  
KATHLEEN SEBELIUS, in her official capacity  
Individually & in their Official Capacity as the  
Secretary of the United States, Department of Health  
And Human Services;  
UNITED STATES DEPARTMENT OF THE TREASURY;  
TIMOTHY F. GEITHNER, in his official capacity as the  
Secretary of the United States Department of the Treasury;  
UNITED STATES DEPARTMENT OF LABOR; and HILDA  
L. SOLIS, in her official capacity as Secretary of the United States  
Department of Labor,

Respondents/Defendants

-----x  
Respondents again show contempt for the Court, as well as the *Fed. Rules of Civ. P.*, the *Federal Rules of Appellant Procedure*, and the Third Circuit's *Local Rules of Procedure*, by failing to properly respond to the either the District Court or this Honorable Appeal Court failing no less than four (4) times to answer the allegation cited in Plaintiffs' Petition.

Pursuant to Rule 55(a): Upon motion of a party, the clerk of the court may enter a default against a party who has failed to plead or otherwise defend against allegations.

It is without argument Defendant willfully failed to reply to Counts 5, 6, 7, 12, 13, and 14 as required by the *FRCP*, pursuant to Rule 8(d), which was and is an automatic admission that the assertions of these allegations are correct and factual.

This relief should have been granted by the District Court that violated its fiduciary duty to uphold procedural due process as required by *Black Letter* law.

Petitioners' come before this Honorable Court requesting this Court comply with *Black Letter* Law as set forth and adhering to Rule 55 (a) entering an Entry of Default by the Clerk of the Court immediately.

The onus is now upon the Defendants to argue before this Honorable Court why Petitioners are not entitled to the requested relief. Defendants have but one option to submit to this Court a Motion to Vacate proving Petitioners' claims are inaccurate.

Respectfully Submitted,

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Nicholas E. Purpura,  
*pro se*

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Donald R. Laster, Jr.  
*pro se*

July 25, 2011