

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

LAWRENCE WATSON

CIVIL ACTION

VERSUS

No. 22-06

KIMBERLY REDMOND, ET AL.

SECTION I

ORDER & REASONS

Before the Court is plaintiff Lawrence Watson’s (“Watson”) motion¹ for entry of default judgment pursuant to Federal Rule of Civil Procedure 55. The defendants in this action are the Southeast Louisiana Veterans Healthcare System (“SLVHS”); Fernando Rivera, SLVHS director, in his individual and official capacity; and Kimberly Redmond, an officer of SLVHS, in her individual and official capacity. Plaintiff seeks reimbursement for travel expenses to medical providers allegedly authorized by the Veterans Administration, “an itemization of [p]laintiff’s scheduled visits at [the SLVHS] facility,” and reimbursement for costs associated with bringing the above-captioned action.²

The motion is premature for two reasons. First, Watson has not petitioned the Court for entry of default pursuant to Federal Rule of Civil Procedure 55(a). *See MSMM Eng., LLC v. Carr*, No. 21-1412, 2022 WL 1320435, at *2 (E.D. La. May 3,

¹ R. Doc. No. 15.

² *Id.*

2022) (Vance, J.) (citing *Dow Chem. Pac. Ltd. v. Rascator Mar. S.A.*, 782 F.2d 329, 335 (2d Cir. 1986)).

Second, Watson has not properly served defendants. On August 2, 2022, this Court advised the plaintiff that he had not served the defendants in accordance with Federal Rule of Civil Procedure 4, and noted that a motion for entry of default would therefore be premature.³ It further ordered that any defendants not properly served by September 16, 2022, would be dismissed without prejudice.⁴ On September 9, 2022, the plaintiff filed a “Notice of Service” claiming that he properly served the defendants because he provided summonses to the U.S. Marshal’s Service, which delivered the summonses to all three defendants at the 2400 Canal Street address provided by the plaintiff.⁵ SLVHS is a subdivision of the U.S. Department of Veterans Affairs. SLVHS and its officers and employees must therefore be served according to Federal Rule of Civil Procedure 4(i). The plaintiff has not yet served defendants in accordance with that Rule.

For the foregoing reasons,

IT IS ORDERED that the motion for default judgment is **DENIED**.

IT IS FURTHER ORDERED that the plaintiff must properly serve defendants by **OCTOBER 14, 2022**. Any defendant not properly served by that date will be dismissed without prejudice.

³ R. Doc. No. 13.

⁴ *Id.*

⁵ R. Doc. No. 14; *see also* R. Doc. No. 9.

New Orleans, Louisiana, September 13, 2022

A handwritten signature in black ink, appearing to read "Lance Africk", written in a cursive style. The signature is positioned above a horizontal line.

LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE