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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JOSE MUNOZ,	*	
Plaintiff,	*	
v.	*	Civil Action No.: RDB-11-2693
BALTIMORE COUNTY, MARYLAND	*	
Defendant.	*	

* * * * * * * * * * * * *

MEMORANDUM OPINION

This action arises out of a complaint filed by Jose G. Munoz ("Plaintiff") against Defendants Baltimore County Maryland; Kevin Kamentz, individually and in his official capacity as Baltimore County Executive; George E. Gay, individually and in his official capacity as Director of the Baltimore County Office of Human Resources; the Baltimore County Fire Department; and John J. Hohman, individually and in his official capacity as fire chief of the Baltimore County Fire Department. On July 25, 2012, this Court issued a Memorandum Opinion (ECF No. 12) dismissing Plaintiff's claims against all Defendants except (1) his retaliation claim under the Americans with Disabilities Act, 42 U.S.C. § 12203, and (2) his wrongful discharge claim under Maryland state law against Baltimore County, Maryland ("Defendant"). Pursuant to Rule 12(a)(4) of the Federal Rules of Civil Procedure, Defendant then had fourteen (14) days to respond to Plaintiff's complaint. Pending before this Court are Plaintiff's Motion for Default Judgment (ECF No. 14), filed on August 17, 2012 and Defendant's Motion for Leave to File Answer to Complaint (ECF No. 16), filed on

Dockets.Justia.com

August 20, 2012. The parties' submissions have been reviewed, and no hearing is necessary. *See* Local Rule 105.6 (D. Md. 2011).

Under Rule 55(a) of the Federal Rules of Civil Procedure, "[w]hen 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." However, "[a] defendant's default does not automatically entitle the plaintiff to entry of a default judgment; rather, that decision is left to the discretion of the court." *See Lewis v. Lynn*, 236 F.3d 766, 767 (5th Cir. 2001). The United States Court of Appeals for the Fourth Circuit has "repeatedly expressed a strong preference that, as a general matter, defaults be avoided and that claims and defenses be disposed of on their merits." *Colleton Preparatory Acad., Inc. v. Hoover Universal, Inc.*, 616 F.3d 413, 417 (4th Cir. 2010). In light of the Fourth Circuit's preference for disposition on the merits, this Court will honor the Defendant's request to answer the complaint. Accordingly, Plaintiff's Motion for Default Judgment (ECF No. 14) is DENIED and Defendant's Motion for Leave to File Answer to Complaint (ECF No. 16) is GRANTED.

A separate order follows.

Dated: November 20, 2012

/s/ ______________________________
Richard D. Bennett
United States District Judge