KingLew Investments, Inc. et al v. United States Department of Agriculture Rural Development et al Doc. 42

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

LEWIS GILES,	)	
Plaintiff,	)	
	)	
v.	)	
	)	**CIVIL ACTION 2:20-00501-KD-N**
UNITED STATES DEPARTMENT OF	)	
AGRICULTURE RURAL DEVELOPMENT,	)	
***et al.*,**	)	
Defendants.	)	

ORDER

This matter is before the Court on Plaintiff Lewis Giles' "Motion for Plaintiffs Request and Requirement of Default Judgment" (Doc. 41).

The Federal Rules of Civil Procedure establish a two-part process for obtaining a default judgment. Fed.R.Civ.P. 55. First, if "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." Fed.R.Civ.P. 55(a). Second, after default has been entered, if the "claim is for a sum certain or a sum that can be made certain by computation" the clerk must enter default judgment. Fed.R.Civ.P. 55(b)(1). In all other circumstances "the party must apply to the court for a default judgment." Fed.R.Civ.P. 55(b)(2). A review of the record reveals that Giles has failed to first obtain a Clerk's entry of default against any of the named defendants nor is there any basis to do so. As such, Giles' motion is **DENIED.**

DONE and **ORDERED** this the **26th** day of **April 2021.**

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
CHIEF UNITED STATES DISTRICT JUDGE

Dockets.Justia.com