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**IN THE UNITED STATES DISTRICT COURT**

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**FOR THE DISTRICT OF ARIZONA**

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Marcos Harris,

No. CV-18-00308-TUC-JGZ

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Plaintiff,

**ORDER**

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v.

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Charles L Ryan, et al.,

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Defendants.

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Pending before the Court is Plaintiff's Motion for Default Judgment (Doc. 11). Plaintiff's motion will be denied because Plaintiff fails to comply with the requirements of Fed. R. Civ. P. 55 governing default judgment. Nor is default appropriate.

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Obtaining default judgment is a two-step process. *See Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986). First, a plaintiff must establish default by affidavit or otherwise, after which the clerk of court enters default pursuant to Rule 55(a). Second, a plaintiff must then request default judgment pursuant to Rule 55(b). Here, Plaintiff's failure to first obtain entry of default precludes granting his request for default judgment.

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Additionally, the record does not reflect that Defendants have been served. Although

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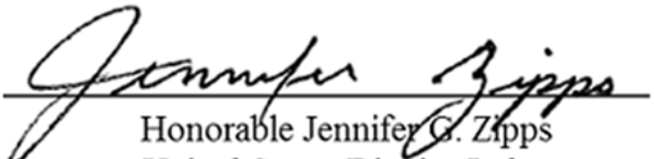
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1 Plaintiff states that he returned the completed service packet on November 10, 2018, the  
2 record reflects that the service packet was forwarded to the U.S. Marshal for service on  
3 November 20, 2018 and remains with the Marshal for service.<sup>1</sup>

4 Therefore,

5 IT IS ORDERED that Plaintiff's Motion for Default Judgment (Doc. 11) is  
6 DENIED.

7 Dated this 4th day of January, 2019.

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11 Honorable Jennifer G. Zipp  
12 United States District Judge  
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28 <sup>1</sup> Because the prison does not permit Plaintiff, who is incarcerated, to access the Court's website, Plaintiff's Motion was brought under his "assum[ption]" that the Marshal had completed service. (Doc. 11 at 2.)