IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS EASTERN DIVISION

KEY EQUIPMENT FINANCE INC

v.

JAMES KING

PLAINTIFF

DEFENDANT

<u>ORDER</u>

2:08CV00087-WRW

Pending is Plaintiff's Motion for Default Judgment (Doc. No. 5). The Court will treat the motion as a Motion for Clerk's Default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Under Rule 55(a), the party seeking default judgment must have the Clerk of the Court enter the default by showing that the opposing party has failed to plead or otherwise defend. After default has been entered by the Clerk, the moving party may, under Rule 55(b), seek entry of judgment on the default.

Plaintiff's Motion fo Default Judgment is referred to the Clerk of the Court for consideration of entry of a Clerk's default.

IT IS SO ORDERED this 14th day of January, 2009.

/s/Wm. R. Wilson, Jr. UNITED STATES DISTRICT JUDGE