

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

EXPORT IMPORT BANK OF THE  
UNITED STATES,

Plaintiff,

vs.

THEODORE M. JENNEY and  
SANDY J. CHIRAS,

Defendants.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 3:09CV00022 SWW

**Order**

Before the Court is plaintiff’s motion for default judgment. An entry of default from the Clerk of the Court pursuant to Fed.R.Civ.P. 55(a) is a prerequisite to the grant of a default judgment under Rule 55(b). *Johnson v. Dayton Elec. Mfg. Co.*, 140 F.3d 781, 783 (8<sup>th</sup> Cir. 1998). There has been no entry of default.

Rule 55(a) provides that: “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party’s default.” Plaintiff’s motion does not address defendants’ failure to plead or otherwise defend. The Court therefore denies at this time plaintiff’s motion for default judgment [docket entry 4].

DATED this 12<sup>th</sup> day of May 2009.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE