

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

HELENA CHEMICAL COMPANY,

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Plaintiff,

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vs.

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No. 5:09CV00042 SWW

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JEFFREY L. PETTY,

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Defendant.

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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 (8th Cir. 1998). There has been no entry of default.

The Court interprets plaintiff’s pleading as a motion for default pursuant to Rule 55(a). 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 was accompanied by an exhibit that reflects defendant was served on February 13, 2009, and that defendant has filed no answer or other responsive pleading. The Court therefore directs the Clerk of the Court to enter a default against defendant.

IT IS THEREFORE ORDERED that plaintiff's motion for default judgment [docket entry 3] is interpreted as a motion for entry of default. The Clerk of the Court is directed to enter a default against defendant.

DATED this 23rd day of April 2009.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE