

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v. **Civil No. 08-6107**

MICHAEL L. BABB

DEFENDANT

O R D E R

Now on this 4th day of February, 2009, comes on for consideration plaintiff's **Motion For Default Judgment** (document #6), and from said motion, and the supporting documentation, the Court finds as follows:

1. On December 2, 2008, plaintiff filed the Complaint in this matter, which alleges that defendant owes it the sum of \$7,134.76, plus interest and costs. Attached as Exhibit A to the Complaint is a Certificate of Indebtedness in which a Senior Loan Analyst certifies, under penalty of perjury, that defendant borrowed \$2,500.00 on December 8, 1981, at 9% interest per annum, from First National Bank of Pennsylvania. Plaintiff further alleges that it was the reinsurer of this loan, and has paid -- after application of all offsets -- \$7,134.76 as of August 25, 2008, to satisfy the loan. It seeks to recover this sum, plus interest, which is alleged to accrues at \$.065 per day.

2. On January 16, 2009, plaintiff filed an Affidavit showing that service of the Summons and Complaint on defendant was perfected by certified mail on December 12, 2008. Defendant has not responded, and the Clerk entered his Default on January 27,

2009. This motion followed.

3. **F.R.C.P. 55** provides that when a plaintiff's claim against a defaulting defendant is for "a sum that can be made certain by computation," the Clerk must enter judgment for that amount. In this case, computation of interest indicates that the sum due and owing as of this date is \$7,145.36. Plaintiff is also entitled to recover costs of \$370.00 pursuant to **28 U.S.C. §1920**.

IT IS THEREFORE ORDERED that plaintiff's **Motion For Default Judgment** (document #6) is **granted**, and the Clerk of Court is directed to enter judgment by default in favor of plaintiff against defendant in the sum of Seven Thousand Five Hundred Fifteen and 36/100 Dollars (\$7,515.36), plus interest at the statutory rate.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE