

1 Federal Rules of Civil Procedure. Such judgment must be entered by the clerk if the plaintiff's
2 claim is for a sum certain. Fed. R. Civ. P. 55(b)(1). Alternatively, the party must apply to the
3 court. Fed. R. Civ. P. 55(b)(2). Default is generally disfavored. In re Hammer, 940 F.2d 524, 525
4 (9th Cir. 1991); Westchester Fire Ins. Co. v. Mendez, 585 F.3d 1183, 1189 (9th Cir. 2009).

5 Plaintiff's motion for default judgment must be denied because, contrary to plaintiff's
6 claim, service has not yet occurred on defendant. Rather, the docket reflects that the United States
7 Marshal was directed to serve defendant on July 10, 2017, and the time period for service has not
8 yet expired. See Fed. R. Civ. P. 4(m); ECF No. 23.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for default judgment
10 (ECF No. 29) is DENIED.

11 DATED: September 13, 2017

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14 /s/ DEBORAH BARNES
15 UNITED STATES MAGISTRATE JUDGE

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