

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 08-cv-02046-MSK-BNB

AMERIQUEST MORTGAGE COMPANY, a Delaware corporation

Plaintiff,

v.

KENNETH J. ZIMMERLE, an individual, and
GRETCHEN R. ZIMMERLE, an individual,

Defendants.

ORDER

The plaintiff seeks the entry of a default judgment against the defendants. Rule 55(d), Fed. R. Civ. P., imposes special requirements and limitations in connection with entering a default judgment against “the United States, its officers, or its agencies. . . .” Judge Krieger’s Practice Standards: Civil Actions require at Part V.J.1.b. that a motion for default judgment must be accompanied by “an affidavit . . . establishing that the particular defendant is not an infant, an incompetent person, an officer or agency of the United States, the State of Colorado, or in the military service. . . .” (Emphasis added.)

The plaintiff submitted a declaration from Scott P. Sinor in support of its motion for default judgment [Doc. # 9-2] (the “Sinor Decl.”), which states at ¶¶6-7 that the defendants are natural persons, “not an infant, an incompetent person, an officer of the State of Colorado, or in the military service.” (Emphasis added.) The declaration is silent, however, with respect to whether the defendants are officers of the United States. Nor can I find evidence concerning the issue elsewhere in the materials submitted in support of the Motion for Default Judgment.

IT IS ORDERED that on or before **July 6, 2009**, the plaintiff shall file a supplement to its Motion for Default Judgment addressing whether the defendants are officers of the United States.

Dated June 25, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge