

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01706-ZLW-MEH

PHILIP BISHARA,

Plaintiff,

v.

THE PHOENIX INSURANCE COMPANY,

Defendant.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on September 8, 2009.

Plaintiff's Motion for Summary Judgment Against Defendant Due to Untimely Response and Reconsideration of Clerk's Note [[filed September 4, 2009; docket #17](#)], which the Court construes as a request for reconsideration of the Clerk's judgment as to Plaintiff's request for entry of default, is **denied**. Under Fed. R. Civ. P. 55(a), the Clerk must enter default only "when a party . . . has failed to plead or otherwise defend." According to the Court's records, Defendant filed an Answer on July 21, 2009 [docket #5].