

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01925-REB-KLM

RONALD NAGIM, and
JANET NAGIM,

Plaintiffs,

v.

STEPHEN IRVING,
JOSEPH E. ABRAHAM, JR.,
SANDRA ABRAHAM,
JOSEPH E. ABRAHAM, III,
ALICIA PELLERGRIN, and
LOUISIANA STATE UNIVERSITY,

Defendants.

ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiffs' **Motion for Default Judgment** [Docket No. 29; Filed August 30, 2010] (the "Motion").

IT IS HEREBY ORDERED that the Motion is **DENIED without prejudice**. Pursuant to Fed. R. Civ. P. 55(a), default judgment is not an appropriate remedy unless Plaintiffs have first moved for and obtained entry of default from the Clerk of Court. See *Nagim v. Napolitano*, No. 10-cv-00329, 2010 WL 2163646, at *1 (D. Colo. May 27, 2010) (unpublished decision) (noting that "[f]ailure to successfully complete the first step of obtaining an entry of default necessarily precludes the granting of default judgment at step two").

Dated: August 30, 2010

BY THE COURT:
/s/ Kristen L. Mix
U.S. Magistrate Judge
Kristen L. Mix