

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02973-WYD-KLM

RONALD J. NAGIM,

Plaintiff,

v.

RAY WALKER,
UNIVERSAL PERSONNEL, and
ROD OLIVER,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion for Default Judgment** [Docket No. 30; Filed March 2, 2011] (the "Motion").

IT IS HEREBY **ORDERED** that the Motion is **DENIED without prejudice**. First, pursuant to Fed. R. Civ. P. 55(a), default judgment is not an appropriate remedy unless Plaintiff has 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 May 27, 2010) (unpublished decision) (noting that "[f]ailure to successfully complete the first step of obtaining an entry of default necessarily precludes the granting of default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"). Entry of default has not been sought or granted here. Second, the Motion is based upon an incorrect premise that Defendant Oliver has failed to defend Plaintiff's lawsuit against him. Defendant Oliver filed a responsive pleading on February 28, 2011 [Docket No. 25].

Dated: March 3, 2011