

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-03003-WYD-CBS

MARK HAMILTON,
Plaintiff,

v.

MERIT ENERGY COMPANY,
Defendant.

ORDER

Magistrate Judge Craig B. Shaffer

This civil action comes before the court on Plaintiff Mr. Hamilton's "Order for Summary Judgment" (filed January 26, 2011) (doc. # 6) (docketed by the Clerk of the Court as "Motion for Summary Judgment"). Pursuant to the Order of Reference dated December 15, 2010 (doc. # 4) and the memorandum dated January 26, 2011 (doc. # 7), this matter was referred to the Magistrate Judge. The court has reviewed the document, the entire case file, and the applicable law and is sufficiently advised in the premises.

In the document, Mr. Hamilton requests "a default under Rule 55." Mr. Hamilton has filed no proof of service on Defendant with the court. Without proof of service, there is no basis for granting default against the Defendant. Accordingly,

IT IS ORDERED that Plaintiff Mr. Hamilton's "Order for Summary Judgment" (filed January 26, 2011) (doc. # 6) (docketed by the Clerk of the Court as "Motion for Summary Judgment") is treated as a motion for default and DENIED.

DATED at Denver, Colorado, this 27th day of January, 2010.

BY THE COURT:

s/Craig B. Shaffer
United States Magistrate Judge