

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HICA EDUCATION LOAN CORP.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 13-1894-SLR-SRF
)	
JILL E. MACKEY,)	
)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

At Wilmington this 12th day of December, 2014, a Motion for Default Judgment having been filed by plaintiff HICA Education Loan Corp. (“HICA”) (D.I. 10), and the Clerk having entered an Entry of Default in Appearance as to defendant Jill E. Mackey (“Mackey”) on June 4, 2014 (D.I. 9), and a chapter 7 bankruptcy petition having been filed by Mackey on November 12, 2014,¹ I recommend that the court deny HICA’s motion without prejudice to renew upon resolution of the bankruptcy proceedings and termination of the automatic stay.

Furthermore, I recommend that the court administratively close the present action pursuant to Title 11 of the United States Code, Section 362, pending resolution of the bankruptcy proceedings, termination of the automatic stay, and to the extent such claims against the defendant have not been adjudicated and/or discharged in the bankruptcy proceedings. HICA shall file status reports with the court every six months, and promptly notify the court when the


¹Mackey filed a petition for relief under chapter 7 of the United States Bankruptcy Code in Case No. 14-12543, currently pending in the United States Bankruptcy Court for the District of Delaware.

case may be reopened and other appropriate action taken.

This Report and Recommendation is filed pursuant to 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b)(1), and D. Del. LR 72.1. The parties may serve and file specific written objections within fourteen (14) days after being served with a copy of this Report and Recommendation. Fed. R. Civ. P. 72(b). The failure of a party to object to legal conclusions may result in the loss of the right to de novo review in the district court. *See Henderson v. Carlson*, 812 F.2d 874, 878-79 (3d Cir. 1987); *Sincavage v. Barnhart*, 171 F. App'x 924, 925 n.1 (3d Cir. 2006).

The parties are directed to the Court's Standing Order For Objections Filed Under Fed. R. Civ. P. 72, dated October 9, 2013, a copy of which is available at <http://www.ded.uscourts.gov/court-info/local-rules-and-orders/general-orders>.

Dated: December 12, 2014


Sherry R. Fallon
UNITED STATES MAGISTRATE JUDGE