

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 8:17-cv-697-T-33JSS

KATHRYN N. CICCHINI,

Defendant.

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**ORDER**

This cause is before the Court pursuant to Plaintiff United States of America's Motion for Entry of Default Final Judgment (Doc. # 17), which was filed on August 10, 2017. In the Motion, the Government requests a default final judgment against Defendant Kathryn N. Cicchini in the amount of \$3,841.17, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure. For the reasons that follow, the Court grants the Motion to the extent that it directs the Clerk to enter a Judgment in favor of the Government in the total amount of \$3,841.17.

**I. Default Judgment**

Federal Rule of Civil Procedure 55(a) sets forth the following regarding an entry of default:

(a) Entering a Default. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's

default.

A district court may enter a default judgment against a properly served defendant who fails to defend or otherwise appear pursuant to Federal Rule of Civil Procedure 55(b)(2). DirectTV, Inc. v. Griffin, 290 F.Supp.2d 1340, 1343 (M.D. Fla. 2003).

The mere entry of a default by the Clerk does not, in itself, warrant the Court entering a default judgment. See Tyco Fire & Sec. LLC v. Alcocer, 218 F. App'x 860, 863 (11th Cir. 2007) (citing Nishimatsu Constr. Co. v. Hous. Nat'l Bank, 515 F.2d 1200, 1206 (5th Cir. 1975)). Rather, a court must ensure that there is a sufficient basis in the pleadings for the judgment to be entered. Id. A default judgment has the effect of establishing as fact the plaintiff's well-pled allegations of fact and bars the defendant from contesting those facts on appeal. Id.

## **II. Analysis**

The Government initiated this action seeking the repayment of student loans from Cicchini, a resident of Hillsborough County, Florida, on March 24, 2017. (Doc. # 1). The Government served the summons and Complaint on Cicchini on July 11, 2017. (Doc. # 13). Cicchini did not respond to the Complaint, and on August 2, 2017, the Government sought entry

of a Clerk's Default against Cicchini. (Doc. # 14). In connection with that Motion, the Government established that Cicchini is not a member of the United States Armed Forces. (Id.). On August 3, 2017, the Clerk entered a Default against Cicchini. (Doc. # 8).

Based upon the Clerk's Default and the well-pled factual allegations contained in the Complaint, the Government has established that Cicchini owes \$2,043.67 in unpaid principal plus \$1,562.50 in interest for Claim Number 2012A28065. These amounts are described in detail in the Certificates of Indebtedness attached to the Motion for Default Judgment and are analyzed in the Government's Motion for Default Judgment. (Doc. # 17 at 4). The Government is also entitled to a \$235.00 fee for service under 28 U.S.C. § 1921. Service was attempted at multiple addresses before the Government successfully served Cicchini. The Court further determines that a hearing on this matter is not needed because the amounts due are capable of accurate and ready mathematical computation or ascertainment.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) Plaintiff United States of America's Motion for Entry of Default Final Judgment (Doc. # 17) is **GRANTED**.

- (2) The Clerk is directed to enter Default Judgment in favor of the Government and against Kathryn N. Cicchini in the amount of **\$3,841.17** (consisting of \$2,043.67 in unpaid principal plus \$1,562.50 in interest, and \$235.00 for service fees). The Judgment shall bear interest at the rate prescribed by 28 U.S.C. § 1961.
- (3) After entry of Judgment, the Clerk is directed to **CLOSE THIS CASE.**

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 11th day of August, 2017.

A rectangular area with a light orange background containing a handwritten signature in black ink. The signature is partially obscured and appears to be a name followed by a date or initials.