

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 8:17-cv-01427-JSM-AAS

MICHAEL FRANCATI,

Defendant.

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**ORDER**

THIS CAUSE comes before the Court upon Defendant's Motion for Default Judgment. (Dkt. 8). For the reasons discussed below, the Court grants the Motion.

A defendant who defaults is deemed to have admitted all well-pleaded allegations of fact in a complaint. *See Nishimatsu Const. Co. v. Houston Nat. Bank*, 515 F.2d 1200, 1206 (5th Cir. 1975). As a result, a court may enter a default judgment against a party who has failed to respond to a complaint, assuming the complaint provides a sufficient basis for the judgment entered. Fed. R. Civ. P. 55; *Surtain v. Hamlin Terrace Foundation*, 789 F.3d 1239, 1245 (11th Cir. 2015) (internal citation omitted).

On June 15, 2017, Plaintiff filed its Complaint against Defendant Michael Francati. (Dkt. 1). The Complaint contained a single count for failure to pay pursuant to 28 U.S.C. § 1345. *Id.* In the Complaint, Plaintiff alleged that Defendant owes debt to the United States. *Id.* Plaintiff attached a Certificates of Indebtedness, certifying the amount of

Defendant's debt according to U.S. Department of Education's records. *Id.* at Exh. 2. As of May 4, 2017, the debt consisted of \$4,920.42 in principal and \$6,440.03 in accrued interest, for a total of \$11,360.45. *Id.*

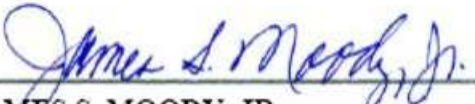
Plaintiff effected service of process on Defendant on August 16, 2017. (Dkt. 5). Defendant failed to file a responsive pleading. On September 15, 2017, Plaintiff filed a motion for Clerk's default. (Dkt. 6). The Clerk entered a default as to Defendant pursuant to Rule 55(a) on September 18, 2017. (Dkt. 7). Thereafter, Plaintiff filed its Motion for Entry of Default Judgment and attachments, including an invoice demonstrating that it incurred \$90 in costs to serve Defendant. (Dkt. 8-3, 8-4).

Based upon the Clerk's entry of default, the well-pled factual allegations contained in the Complaint, the Certificates of Indebtedness, Plaintiff's motion, and the invoice, the Court determines that Plaintiff's motion should be granted. Plaintiff is entitled to a judgment against Defendant in the amount of \$11,450.45, consisting of \$11,360.45 in student loan debt and \$90 in costs pursuant to 28 U.S.C. section 1921.

Accordingly, it is ORDERED AND ADJUDGED that:

1. Plaintiff's Motion for Entry of Default Judgment (Dkt. 8) is granted.
2. The Clerk is directed to enter judgment against Defendant in the amount of \$11,450.45. This judgment shall accrue post-judgment interest at the legal rate until paid in full.
3. This case is CLOSED and all pending motions are denied as moot.

**DONE** and **ORDERED** in Tampa, Florida, on September 22, 2017.

  
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**JAMES S. MOODY, JR.**  
**UNITED STATES DISTRICT JUDGE**

Copies furnished to:  
Counsel/Parties of Record