

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 14-cv-62691

UNITED STATES OF AMERICA,

Plaintiff,

vs.

URSULA SHAW,

Defendant.

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT

THIS MATTER is before the Court on Plaintiff's motion for default judgment.

[DE-9.] Plaintiff has provided a Certificate of Indebtedness with copies of five promissory notes executed by Defendant Ursula Shaw, which show that she borrowed a total of \$3,390 between 1988 and 1989 at a 5% annual interest rate, but only \$709.09 of the principal has been cancelled or repaid. She now owes \$2,680.81 in principal. [DE-1 at 4-9.] At 5% annually, this principal accrues interest at \$.37 per day. As of January 13, 2015, she owed \$2,732.46 in interest, causing her total debt to be \$5,413.27. [DE-9.] As of February 2, 2015, she owes \$2,739.80 in interest, causing her total debt to be \$5,420.61.

A court may enter a default judgment against a properly served defendant who failed to timely file a responsive pleading. Fed. R. Civ. P. 55(b)(2). Defendant was served on December 22, 2014. [DE-5.] Plaintiff has submitted evidence that Defendant is not an infant, an incompetent, on active duty in the military, or otherwise exempted under 50 App. U.S.C. § 521, which protects servicemembers from default judgments. [DE-7.] On January 15, 2015, the Clerk of Court entered a default against Defendant and Plaintiff filed the instant motion for default judgment. [DE-8; DE-9.] To date, Defendant has neither responded to the motion nor sought to vacate the default.

By such a default, all of Plaintiff's well-pled allegations in the Complaint are deemed admitted. *Buchanan v. Bowman*, 820 F.2d 359, 361 (11th Cir. 1987). The


allegations in the Complaint, in conjunction with record evidence, support a finding that Defendant failed to pay a debt to Plaintiff in the amount of \$5,420.61. Because this sum is capable of mathematical calculation, default judgment may be entered without a hearing. *Jenkins v. Clerk of Court, U.S. Dist. Court, S. Dist. of Fla.*, 150 Fed. Appx. 988, 989 (11th Cir. 2005).

For the reasons stated above, it is hereby

ORDERED that

- 1) Plaintiff's Motion for Default Judgment [DE-9] is GRANTED. Final judgment shall be entered by separate order.
- 2) Plaintiff may move for fees and costs under Local Rule 7.3.
- 3) This case is CLOSED.

DONE AND ORDERED in Miami, Florida, this 2nd day of February, 2015.


PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE