

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FEDERAL DEPOSIT INSURANCE *
CORPORATION, as receiver for *
First National Bank, *
*
Plaintiff, *

v.

CV 413-099

COBALT PARTNERS, LLC; ALBERTO *
ALVAREZ; ADAM BEELER; RODNEY M. *
COOK, JR.; ALLEN C. HARPER; *
WILLIAM M. TUTTLE, II; and *
CHARLES K. WERK, *
*
Defendants. *

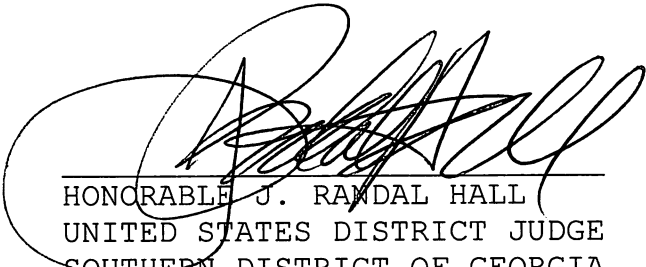
O R D E R

Before the Court in the captioned case is Plaintiff's "Motion for Clerk's Entry of Default Judgment."¹ (Doc. 88.) Entry of default under Rule 55(a) has not been entered, which is a prerequisite to a party obtaining a default judgment. See 10A CHARLES ALAN WRIGHT, ARTHUR R. MILLER & MARY KAY KANE, FEDERAL PRACTICE AND PROCEDURE § 2682 (3d ed. 1998) ("Prior to obtaining a default judgment under either Rule 55(b)(1) or 55(b)(2), there must be an entry of default as provided by Rule 55(a)."). Because Plaintiff has not yet received an entry of default, Plaintiff's "Motion for Clerk's Entry of Default Judgment" is premature.

¹ Although the present motion is docketed as a "Motion for Entry of Default," a review of the motion, including its title, demonstrates that Plaintiff seeks default judgment pursuant to Federal Rule of Civil Procedure 55(b)(1), not simply entry of default.

However, construing the motion as one seeking entry of default, the Court finds that Defendant Charles Werk was served with a copy of the summons and complaint on April 20, 2015 (doc. 79), and has failed to appear, plead or otherwise defend the action within the prescribed time period. Therefore, the Clerk is **DIRECTED** to **ENTER DEFAULT** against Defendant Charles Werk. Having entered default, Plaintiff may file an appropriate motion for default judgment as a standalone entry on the docket.

ORDER ENTERED at Augusta, Georgia, this 17th day of July, 2015.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA