

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

LONNIE E. LARSON,) CIVIL NO. 08-00537 SOM-KSC
vs. Plaintiff,)
vs.) FINDINGS AND
DARWIN CHING, Director of) RECOMMENDATION TO DENY
the Department of Labor,) WITHOUT PREJUDICE
State of Hawaii) PLAINTIFF'S REQUEST TO
Defendant.) ENTER DEFAULT JUDGMENT

)

FINDINGS AND RECOMMENDATION TO DENY WITHOUT PREJUDICE
PLAINTIFF'S REQUEST TO ENTER DEFAULT JUDGMENT

On February 27, 2009, Plaintiff Lonnie Larson filed a Request to Enter Default Judgment. The Court finds this matter suitable for disposition without a hearing pursuant to Local Rule 7.2(d) of the Local Rules of Practice of the United States District Court for the District of Hawaii. For the reasons discussed below, the Court DENIES this Request.

An entry of default must precede a motion for default judgment. See Brooks v. U.S., 29 F. Supp. 2d 613, 618 (N.D. Cal. 1997) ("The entry of default judgment is a two-part process; default judgment may be entered only upon the entry of default by the Clerk of

the Court."). Larson asserts that the Clerk of the Court entered default against Darwin Ching on February 4, 2009. The record, however, does not reflect an entry of default. Therefore, Larson's Request to Enter Default Judgment is premature. Accordingly, the Court FINDS and RECOMMENDS that Plaintiff's Motion be DENIED without prejudice.

IT IS SO FOUND AND RECOMMENDED.

Dated: Honolulu, Hawaii, March 3, 2009.





Kevin S.C. Chang
United States Magistrate Judge

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