

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DONTE HENDERSON,

Plaintiff,

v.

BENNET BRAMLET, et al.,

Defendants.

Case No. 08-cv-15-DRH

ORDER

HERNDON, Chief Judge:

Presently before the Court is Plaintiff's Motion for Default Judgment (Doc. 28). While **FEDERAL RULE OF PROCEDURE 55(b)** provides the procedural vehicle for obtaining a default *judgment* against a party, the moving party must first seek an *entry* of default from the Clerk of the Court against the party in default, pursuant to **Rule 55(a)**. In this case, Plaintiff has failed to obtain such entry of default prior to seeking a default judgment. Therefore, without making a finding as to whether any of the Defendants are actually in default, the Court must **DENY** Plaintiff's Motion (Doc. 28) at this time as it is premature.

Plaintiff must first file a Motion for Entry of Default by Clerk, pursuant to **Rule 55(a)**, and then move for a default judgment pursuant to **Rule 55(b)**, at

which time, the Court will revisit the issue. Plaintiff must also specify which Defendant(s) he believes are in default and why.

IT IS SO ORDERED.

Signed this 28th day of October, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**