

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

GE COMMERCIAL DISTRIBUTION)	
FINANCE CORP.,)	
)	
Plaintiff,)	
)	
V.)	Civil No. 08-778-GPM
)	
SCOTT BUCHANAN, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is plaintiff GE Commercial Distribution Finance Corporation’s motion for sanctions against defendants Scott Buchanan and Jennifer Buchanan for failing to comply with the Court’s order dated June 23, 2009, directing them to fully respond to plaintiff’s first request for production and first set of interrogatories by July 6, 2009. **(Doc. 32)**. No response to the subject motion has been filed.

A review of the Court’s June 23, 2009, order **(Doc. 30)**, and plaintiff’s motion confirms that Scott Buchanan and Jennifer Buchanan have failed to participate in the discovery process, failed to respond to discovery requests and failed to comply with a specific Court order. The Court previously warned the Buchanans that failure to comply with the Court’s order could result in sanctions, which may include entry of default.

Federal Rule of Civil Procedure 37(b)(vi) permits the entry of default judgment as a sanction for failing to comply with a discovery order. However, the undersigned Magistrate Judge may only initiate the process by entering default in accordance with Federal Rule of Civil Procedure 55(b). In accordance with 28 U.S.C. § 636, the entry of default *judgment* is the

prerogative of U.S. District Judge G. Patrick Murphy. Plaintiff will have to file a specific motion for default judgment.

IT IS THEREFORE ORDERED that the subject motion (**Doc. 32**), construed as a motion for entry of default against defendants Scott Buchanan and Jennifer Buchanan is **GRANTED**.

DATED: September 9, 2009

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE