

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

ATRELLA REYNOLDS,

Plaintiff,

v.

No. 12-cv-200-DRH-DGW

AAA AUTO CLUB ENTERPRISES,

Defendant.

MEMORANDUM AND ORDER


HERNDON, Chief Judge:

This matter comes before the Court on plaintiff's second motion for entry of default (Doc. 20). As plaintiff did not initially provide the Court with defendant's correct address for service of process, a summons was reissued on May 9, 2012 (Doc. 17). The summons has not yet been returned either executed or unexecuted. Pursuant to FEDERAL RULE OF CIVIL PROCEDURE 12(a)(1)(i), a defendant must serve a responsive pleading, "within 21 days after being served with the summons and complaint." *See* FED. R. CIV. P. 12(a)(1)(i). Further, under Local Rule 55.1(a), an entry of default is only proper, "against any party who fails to respond to a complaint . . . within the time and manner provided by FEDERAL RULE OF CIVIL PROCEDURE 12." *See* SDIL-LR 55.1(a); *see also* FED. R. CIV. P. 55. There are additional requirements for a default judgment, including providing notice to the defendant and defendant's counsel which must be followed. As the summons has

not yet been returned, a motion for entry of default is not proper at this time. Thus, plaintiff's motion is **DENIED** (Doc. 20). **Once the summons is returned, the Clerk shall provide plaintiff notice of its return.** Further, the Court again stresses that it shall not independently investigate the correct address of defendant for purposes of service of process.

IT IS SO ORDERED.

Signed this 5th day of June, 2012.


Digitally signed by
David R. Herndon
Date: 2012.06.05
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Chief Judge
United States District Court