



As for Wells Fargo's request for default judgment, it is premature in light of the fact that the Clerk of Court has not entered default pursuant to Federal Rule of Civil Procedure 55(a) against the defendants for whom default judgment is sought. Only after default has been entered pursuant to Rule 55(a) against a party is a default judgment under Rule 55(b) appropriate. It further appears a request for entry of default may be premature in light of the anticipated Second Amended Complaint, which will provide the defendants an opportunity to respond to that pleading.

For the foregoing reasons, the Court:

- **GRANTS** Wells Fargo's motion for leave to amend (Doc. 27) and **ORDERS** that Wells Fargo shall have up to and including November 8, 2013, to file a Second Amended Complaint making the changes requested in its motion; and
- **DENIES** Wells Fargo's motion for default judgment (Doc. 28).

**IT IS SO ORDERED.**

**DATED: October 22, 2013**

s/J. Phil Gilbert  
**J. PHIL GILBERT**  
**U.S. DISTRICT JUDGE**