

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MCA VENTURES, LLC,)
)
 Plaintiff,)
)
 v.) Case No. 17-2569-JWL
)
 KEPPEL BROTHERS, LLC,)
 d/b/a 5TH WHEEL PLACE RV CENTER;)
 and KEVIN H. KEPPEL,)
)
 Defendants.)
)

MEMORANDUM AND ORDER

Plaintiff has moved for default judgment pursuant to Fed. R. Civ. P. 55 against both defendants (Doc. # 9), based on defendants' failure to respond to the complaint on or before the extended deadline of November 20, 2017. The Court **denies** the motion. Rule 55(b) allows for a default judgment only if default has first been entered against the defendant by the Clerk of Court under Rule 55(a). *See Fed. R. Civ. P. 55; Federal Ins. Co. v. Cessna Aircraft Co.*, 2017 WL 2905576, at *1 (D. Kan. July 7, 2017) (Lungstrum, J.) (citing authorities). Plaintiff has not applied to the Clerk for entry of default, and it therefore may not yet seek a default judgment under Rule 55(b).

IT IS SO ORDERED.

Dated this 27th day of November, 2017, in Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge