

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 5 TH 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