

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

LASZLO KORPAS,

Plaintiff,

v.

REPUBLIC OF HUNGARY,

Defendant.

Case No. 24-2087-JAR-ADM

MEMORANDUM AND ORDER

Before the Court is pro se Plaintiff Laszlo Korpas's Motion for Default Judgment (Doc. 5). Plaintiff seeks default judgment in this case based on Defendant Republic of Hungary's failure to answer the summons "within the proscribed time period."¹ The Court liberally construes Plaintiff's motion² as an application for clerk's entry of default because a clerk's entry of default must precede any motion for default judgment under Fed. R. Civ. P. 55.³ Generally, when a party fails to plead or otherwise defend, and that fact is made to appear by affidavit or otherwise, default should be entered against that party.⁴

However, in this case 28 U.S.C. § 1608 governs service, the time to answer, and default because Defendant is a foreign government. Under the statute, Defendant's responsive pleading is due 60 days after service. According to the summons return, the Amended Complaint was served on April 5, 2024; therefore, Defendant's time to answer has not yet expired. Moreover, under the statute:

¹ Doc. 5 at 1.

² See *Requena v. Roberts*, 893 F.3d 1195, 1205 (10th Cir. 2018) (setting forth liberal pleading standard that applies to pro se filings).

³ Fed. R. Civ. P. 55(a).

⁴ *Id.*

No judgment by default shall be entered by a court of the United States or of a State against a foreign state, a political subdivision thereof, or an agency or instrumentality of a foreign state, unless the claimant establishes his claim or right to relief by evidence satisfactory to the court. A copy of any such default judgment shall be sent to the foreign state or political subdivision in the manner prescribed for service in this section.⁵

Accordingly, Plaintiff's motion for default judgment must be denied.

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff Laszlo Korpas's Motion for Default Judgment (Doc. 5) is **denied**.

IT IS SO ORDERED.

Dated: May 10, 2024

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE

⁵ 28 U.S.C. § 1608(e).