

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

ROBERT WILLIS MCKINNEY,)
)
Plaintiff,)
)
v.)
)
ANGELA NAPIER, et al.,)
)
Defendants.)
)
)

Civil Case No.
18-CV-00031-JMH

MEMORANDUM OPINION & ORDER

This matter is before the Court upon Plaintiff's Motion for Default Judgment [DE 87] as to Defendant Angela Napier for failure to answer in the time provided by Fed. R. Civ. P. 12(a)(1)(i). The Court is not persuaded that relief is warranted for the reasons which follow.

Pursuant to Fed. R. Civ. P. 55(b)(2), a district court may enter judgment by default when a defendant has failed to plead or defend. "[W]hile a defaulted defendant is deemed to admit the plaintiff's well-pleaded allegations of fact, he is not held to admit facts that are not well-pleaded or to admit conclusions of law." *Cotton v. Mass. Mut. Life Ins. Co.*, 402 F.3d 1267, 1278 (11th Cir. 2005) (alteration omitted) (quotation marks omitted). Entry of default judgment is only warranted when there is "a sufficient basis in the pleadings for the judgment entered."

Nishimatsu Constr. Co. v. Houston Nat'l Bank, 515 F.2d 1200, 1206 (5th Cir. 1975).

Defendant Angela Napier may be in default, as she has not answered the Complaint, but the Court is not persuaded that default judgment is appropriate or that judgment against her will ever be appropriate on the claims as averred. Plaintiff's Amended Complaint does not meet the basic federal pleading requirement that a complaint "shall contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a). "Rule 8 requires only that the complaint give the defendant fair notice of the claim and its supporting facts[,]" *E.E.O.C v. J.H. Routh Packing Co.*, 246 F.3d 850, 854 (6th Cir. 2001), but Plaintiff's Amended Complaint fails to do so. Plaintiff has made no claims against Defendant Angela Napier in his Amended Complaint. While he complains that other individuals took various actions which injured him in response to a report that he made against Angela Napier, he has not averred any actions or wrongdoing on her part in this action.

Accordingly, **IT IS ORDERED:**

(1) That Plaintiff's Motion for Default Judgment [DE 87] is **DENIED** and

(2) that Plaintiff shall **SHOW CAUSE** within **FOURTEEN (14) DAYS** of entry of this order why his Amended Complaint should not

be dismissed with respect to Defendant Angela Napier and this matter stricken from the active docket.

This the 19th day of June, 2018.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge