

MAY 26 2016

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

c

DEMOND E. COLEMAN,
Plaintiff

CIVIL ACTION NO. 1:14-CV-00798;
SEC. P

VERSUS

CHIEF JUDGE DRELL

T. HALEY¹, ET AL.,
Defendants

MAGISTRATE JUDGE PEREZ-MONTES

MEMORANDUM ORDER

Before the Court is Plaintiff's Motion/Request for Entry of Default (Doc. 43) and Motion for Default Judgment (Doc. 44). Plaintiff seeks a default judgment against Defendant Wendy Culp ("Culp") for failure to plead or otherwise defend. Plaintiff asserts that Culp was served with a copy of the summons and complaint but that Culp has not filed or served an answer or taken other action, although more than 120 days have passed since the date of service of Plaintiff's interrogatories and request for production of documents.

Federal Rule of Civil Procedure 55(a) states that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." "Default judgments are a drastic remedy, not favored by the Federal Rules and resorted to by courts only in extreme situations. As the District of Columbia Circuit has stated, they are 'available only when the adversary process has been

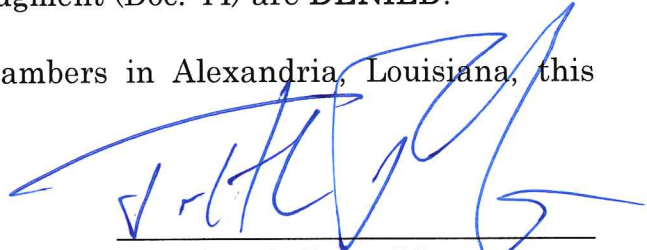
¹ Plaintiff misspelled the name of the Defendant incorrectly in the complaint. The caption has been corrected to reflect the correct spelling.

halted because of an essentially unresponsive party.” Sun Bank of Ocala v. Pelican Homestead & Savings Ass’n, 874 F.2d 274, 276 (5th Cir. 1989) (quoting H.F. Livermore Corp. v. Aktiengesellschaft Gebruder Loepfe, 432 F.2d 689, 691 (D.C. Cir. 1970).

Culp has filed an answer in this case (Doc. 30). Furthermore, despite stating that Culp has failed to plead or otherwise defend in his Motion/Request for Entry of Default (Doc. 43), Plaintiff has attached an exhibit to his Motion for Default Judgment showing that Culp has answered the complaint (Doc. 44-1). Therefore, entry of default judgment is not appropriate at this time.

Accordingly, IT IS ORDERED that Plaintiff’s Motion/Request for Entry of Default (Doc. 43) and Motion for Default Judgment (Doc. 44) are DENIED.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this
26th day of May, 2016.



Joseph H.L. Perez-Montes
United States Magistrate Judge