

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 07-11483
HON. GEORGE CARAM STEEH

JULIA BOYKIN,

Defendant

and

FEDEX SMARTPOST, INC.

Garnishee.

ORDER DENYING DEFENDANT'S REQUEST FOR HEARING

This case concerns a student loan taken by defendant in 1986 from Citibank in order for defendant to attend Washtenaw Community College. Defendant subsequently defaulted on the loan and the balance of the promissory note was accelerated. When the guarantor paid the claim but could not collect on the debt, it assigned its right and title to the loan to the Department of Education. Plaintiff filed suit in 2007. Defendant was properly served, however she failed to file an answer to the complaint. On June 27, 2007, the court entered a clerk's entry of judgment by default. See Dkt. No. 9.

Presently before the court is defendant's second request for hearing about the writ of garnishment and claim for exemptions, filed on May 3, 2012. Plaintiff has filed a

response to defendant's second request for hearing. Defendant claims that she does not have a loan, but a pell grant. It is noteworthy that plaintiff acknowledged having a student loan in her first request for hearing, but claimed to have paid it off years ago. Plaintiff attached the Certificate of Indebtedness to the complaint, and defendant has not presented any evidence to the contrary. Therefore, to the extent defendant's request for a hearing is a veiled motion to set aside the default judgment entered in this action, defendant's bare allegation that she never took out a student loan is insufficient to demonstrate good cause to set aside the default judgment in this matter.

Accordingly,

Defendant's request for hearing [#32] is DENIED.

SO ORDERED.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: May 31, 2012

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 31, 2012 and also to Julia Boykin Walker at 2964 Cascade Dr., Ann Arbor, MI 48104, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk