

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROGER ALLEN,

Plaintiff,

vs

Case No: 14-12219  
Honorable Victoria A. Roberts

EQUIFAX INFORMATION SERVICES, LLC, and,  
EXPERIAN INFORMATION SOLUTIONS,

Defendants.

\_\_\_\_\_ /

**ORDER DENYING MOTION FOR DEFAULT JUDGMENT (DOC # 9)**

On July 18, 2014, Plaintiff filed a motion for default judgment under Fed.R.Civ.P. 55 against Defendants.

Prior to seeking a default judgment, Plaintiff must first obtain an entry of default from the clerk of court; he did not. An entry of default is distinct from entry of a default judgment. *O.J. Distrib., Inc. v. Hornell Brewing Co., Inc.*, 340 F.3d 345, 353 (6th Cir.2003). Although Plaintiff requested that entry of default be granted after this motion was filed, it does not cure his procedural error because the clerk declined to enter default. See *Brantley v. Runyon*, No. C-1-96-842, 1997 WL 373739, at \*1 (S.D. Ohio June 19, 1997) (“In order to obtain a default judgment under Rule 55(b)(2), there must first be an entry of default as provided by Rule 55(a).”). Plaintiff’s motion is premature.

The motion is also premature because the record shows that Plaintiff requested, but Defendants have not yet been served by the Marshals. “Rule 55 permits the clerk to enter a default when a party fails to defend an action as required. The court may then

enter default judgment.“ *Weiss v. St. Paul Fire & Marine Ins. Co .*, 283 F.3d 790, 794 (6th Cir.2002).

Because Plaintiff's Complaint has not been served and an entry of default judgment has not been granted, the Court **DENIES** Plaintiff's motion for default judgment.

**IT IS ORDERED.**

S/Victoria A. Roberts \_\_\_\_\_  
Victoria A. Roberts  
United States District Judge

Dated: August 12, 2014

The undersigned certifies that a copy of this document was served on the attorneys of record and Roger Allen by electronic means or U.S. Mail on August 12, 2014.

S/Carol A. Pinegar \_\_\_\_\_  
Deputy Clerk