

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH LINNELL DESORMEAUX, JR.,
LISA ANN DESORMEAUX,

Plaintiffs,

v.

UNITED STATES POSTAL SERVICE, *et*
al.,

Defendants.

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Case No. 23-12480

F. Kay Behm

United States District Judge

ORDER STRIKING MOTION FOR DEFAULT JUDGMENT (ECF No. 9)

Plaintiffs Joseph and Lisa Desormeaux filed a complaint against Defendants on October 2, 2023, alleging their property was damaged by the negligence of a USPS employee. (ECF No. 1, PageID.5). Plaintiffs have now filed a motion for entry of default judgment against Defendants. (ECF No. 9). On review of the docket in this matter, no default has been entered by the Clerk of the Court in accordance with Federal Rule of Civil Procedure 55 and Local Rule 55.1, which is required before a party may proceed with a motion for entry of default judgment based on a failure to answer or otherwise respond to a complaint. *See SGA Glob., LLC v. Surface Coatings Co.*, 2007 WL 2897847, at *1 (E.D. Mich. Sept. 26, 2007) (Cleland, J.) (citing *Ramada Franchise Sys., Inc.*, 220 F.R.D. 303, 305 (N.D. Ohio

2004) (quoting *Sys. Indus., Inc. v. Han*, 105 F.R.D. 72, 74 (E.D. Penn. 1985)) (“Entry of a default ... is a prerequisite to entry of a default judgment under Rule 55(b).”); *DeTore v. Local # 245 of the Jersey City Public Employees Union*, 511 F. Supp. 171, 176 (D.N.J. 1981) (“However, no default judgment may be entered under either F.R.Civ.P. 55(b)(1) or (b)(2) unless a default has previously been entered by the clerk under 55(a). Thus, the entry of default is an essential predicate to any default judgment.”). As observed in *SGA Global*, the majority of courts require the entry of a default before the court can enter a default judgment. Thus, such a request for default judgment without a previous entry of a default is improper and is appropriately stricken from the docket of the court. *Id.* at *1.

For the foregoing reasons, Plaintiff’s motion for entry of default judgment (ECF No. 9) is **STRICKEN** as improperly filed.

SO ORDERED.

Date: February 5, 2024

s/ F. Kay Behm

F. Kay Behm

United States District Judge