

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DAVID SHEPHARD,

Plaintiff,

v.

ROBERT A. BREEZA,

Defendant.

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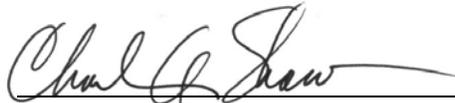
No. 4:15-CV-1563 CAS

**ORDER**

This matter is before the Court on plaintiff’s Motion for Default Judgment that purports to have been filed pursuant to “Rule 55(a), Rule 55(b) of Missouri [sic] Rules of Civil Procedure.” The motion must be denied without prejudice because an entry of default from the Clerk of the Court pursuant to Fed. R. Civ. P. 55(a) is a prerequisite to and must precede the grant of a default judgment under Rule 55(b). See Johnson v. Dayton Elec. Mfg. Co., 140 F.3d 781,783 (8th Cir. 1998); 10 Wright, Miller and Kane, Federal Practice and Procedure: Civil 2d §§ 2682 at 406, 2683 at 413 (1983).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s Motion for Default Judgment is **DENIED without prejudice.** [Doc. 7]

  
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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 7th day of December, 2015.