UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RODERICK DEVON ARRINGTON, SR., as Special Administrator of the Estate of Roderick Devon Arrington, Jr., deceased, Plaintiff, vs. STATE OF NEVADA, et al., Defendants.	Case No.: 2:13-cv-00622-GMN-NJK **ORDER**

On April 29, 2013, Plaintiff filed a document styled as "Default" for two of the Defendants – Dina Jamise Beverly-Palmer and Markiece Palmer – with a blank signature line for the Clerk of the Court. (ECF No. 9.)

The next day, the Clerk's Office entered a Notice on April 30, 2013, notifying Plaintiff that the document was "not filed in accordance with FRCP 55" and that Plaintiff's counsel was "advised to re-file documents as outlined in FRCP 55, to include Motion/Request pleading and Affidavit/Declaration of Service and Courts Default form using 'NOTICE of Corrected Image/Document' event under the 'Notices' category as a separate event, and link to document 16 and 17." (ECF No. 11.)

Plaintiff did not re-file the documents as described in the Notice, and instead re-filed the exact document, but separated as two documents – one for each Defendant. (ECF Nos. 16-17.)

The Court construes the documents filed by Plaintiff at ECF Nos. 9, 16, and 17, as submission of proposed orders for an entry of Clerk's default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. Rule 55(a) requires that an entry of default by the clerk be supported "by affidavit or otherwise." Fed. R. Civ. P. 55(a). Furthermore, a request for a court

order must be made by motion. Fed. R. Civ. P. 7(b)(1). Here, Plaintiff has twice failed to support what appears to be a request for Clerk's entry of default with an affidavit, a motion, or other supporting documents.

Accordingly, to the extent that any motion for Entry of Clerk's Default is contained in the documents filed by Plaintiff on April 29, 2013 (ECF No. 9) and on May 1, 2013 (ECF Nos. 16, 17), the Court will deny the motions for failure to provide a sufficient showing pursuant to Rule 55(a).

IT IS HEREBY ORDERED that any motion for Entry of Clerk's Default contained in the documents filed by Plaintiff on April 29, 2013 (ECF No. 9) and on May 1, 2013 (ECF Nos. 16, 17) is **DENIED without prejudice**.

DATED this 15th day of May, 2013.

Gloria M. Navarro
United States District Judge