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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Rigoberto Enrique Isaza,
Plaintiff

v.

Earl Marshal Trotter and Farmers Insurance,
Defendants

2:15-cv-00632-JAD-GWF

**Order Denying Plaintiff's Motion for
Default Judgment**

[ECF 19]

10 Pro se plaintiff Rigoberto Enrique Isaza sues Earl Marshal Trotter and Farmers Insurance for
11 breach of contract and seeks a deficiency judgment and declaratory and injunctive relief.¹ Neither
12 defendant has been served or otherwise appeared. Nor has the Clerk of Court entered default against
13 the defendants. Nonetheless, Isaza moves for default judgment on all claims.

14 Isaza's motion is premature. Unless a defendant has been served under Federal Rule of Civil
15 Procedure 4, the court lacks personal jurisdiction over that defendant.² Without personal
16 jurisdiction, the Clerk of Court cannot enter default against a defendant and I cannot enter judgment
17 in a plaintiff's favor.³ Because Isaza has not satisfied any of these prerequisites, his motion for
18 default judgment is denied.

19 Accordingly, IT IS HEREBY ORDERED that Rigoberto Enrique Isaza's **motion for default**
20 **judgment (ECF 19) is DENIED.**

21 Dated this 25 day of February, 2016

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Jennifer A. Dorsey
United States District Judge

26 ¹ ECF 17.

27 ² *S.E.C. v. Ross*, 504 F.3d 1130, 1140 (9th Cir. 2007) (citation omitted).

28 ³ See *J & J Sports Prods., Inc. v. Guzman*, No. 2:12-CV-01483-RCJ, 2013 WL 1003600, at *1 (D. Nev. Mar. 12, 2013) (outlining the two-step process a plaintiff must follow to obtain default judgment).