



**THE COURT NOTING** that Federal Rule of Civil Procedure 4(c)(1) provides that “[a] summons must be served with a copy of the complaint,” Fed. R. Civ. P. 4(c)(1); and

**THE COURT NOTING FURTHER** that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default,” Fed. R. Civ. P. 55; and

**THE COURT FINDING** that default judgment for Plaintiff is not proper under these circumstances;

**IT IS HEREBY ORDERED** that Plaintiff’s motion for default judgment is **DENIED**.

Dated: 4/26/2012

/s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge