

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

ROBERT DERP AND NICOLE  
DERP,

Plaintiffs,

v.

YOLANDA M. GASKINS-TIBERS

Defendants.

Civil No. 12-1394 (JBS-KMW)

**ORDER**

Presently before the Court is the Plaintiffs Robert and Nicole Derp's motion for default judgment against the Defendant Yolanda M. Gaskins-Tibers. [Docket Item 6.] Pursuant to Fed. R. Civ. P. 55, entry of default is a prerequisite to default judgment. "[N]o default judgment may be entered under either Fed. R. Civ. P. 55(b)(1) or (b)(2) unless a default has previously been entered by the clerk under Fed. R. Civ. P. 55(a). Thus, the entry of default is an essential predicate to any default judgment." De Tore v. Jersey City Public Employees Union, 511 F. Supp. 171, 178 (D.N.J. 1981).

No default has been entered against the Defendants. Accordingly, the Plaintiff's motion for default judgment is premature and will be denied.

WHEREFORE IT IS this 12th day of **September, 2012**,  
hereby

ORDERED that the Plaintiff's motion for default judgment is DENIED without prejudice to re-filing as it is procedurally premature.

s/ Jerome B. Simandle  
JEROME B. SIMANDLE  
U.S. District Judge