

NOT FOR PUBLICATION

(Doc. No. 57)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

	:	
SUN NATIONAL BANK,	:	
	:	
Plaintiff,	:	
	:	Civil No. 13-5800 (RBK/KMW)
v.	:	
	:	ORDER
SEAFORD SPECIALTY SURGERY	:	
CENTER, LLC, et al.	:	
	:	
Defendants.	:	
	:	

KUGLER, United States District Judge:

THIS MATTER having come before the Court upon Plaintiff Sun National Bank’s (“Plaintiff”) motion for default judgments against Defendants Seaford Specialty Surgery Center, LLC and Medical Consulting Group Ambulatory Surgery Centers, LLC, pursuant to Fed. R. Civ. P. 55 (Doc. No. 57); and

IT APPEARING TO THE COURT that Plaintiff has not sought an entry of default from the clerk of court, nor has the clerk of court entered default; and

THE COURT NOTING that a party seeking relief under Fed. R. Civ. P. 55 must obtain an entry of default from the clerk of court under Fed. R. Civ. P. 55(a) as a precondition to obtaining a default judgment under Fed. R. Civ. P. 55(b), see DeTore v. Local No. 245 of Jersey City Pub. Emps. Union, 511 F. Supp. 171, 176 (D.N.J. 1981); Husain v. Casino Control Comm’n, 265 Fed. App’x 130, 133 (3d Cir. 2008) (“[E]ntry of default by the Clerk under Federal Rule of Civil Procedure 55(a) constitutes a general prerequisite for a subsequent default judgment under Rule 55(b)”);

IT IS HEREBY ORDERED that Plaintiff's motion for default judgment is **DENIED**
WITHOUT PREJUDICE. Plaintiff may re-file its motion following the clerk's entry of
default.

Dated: 3/26/2015

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