

NOT FOR PUBLICATION

(Doc. Nos. 23 & 27)

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

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|--------------------------|---|----------------------------|
| _____ | : | |
| Michelle ALFRED, | : | |
| | : | |
| Plaintiff, | : | Civil No. 14-7536 (RBK/JS) |
| | : | |
| v. | : | OPINION |
| | : | |
| ATLANTIC CITY POLICE | : | |
| DEPARTMENT SWAT, et al., | : | |
| | : | |
| Defendants. | : | |
| _____ | : | |

KUGLER, United States District Judge:

This action comes before the Court on *pro se* Plaintiff Michelle Alfred’s “Motion for Default”¹ against the City of Atlantic City,² Rhonda Williams, Jason Holt, and Evelyn Wong (“Atlantic City Defendants”) (Doc. No. 23) and “Motion for Default Judgment” against Defendant David Castellani. (Doc. No. 27). Plaintiff’s motions are **DENIED**.

The clerk entered a default against the Atlantic City Defendants on January 23, 2015, and against Defendant Castellani on February 6, 2015. Plaintiff filed these motions for default judgment on March 18, 2015. However, Magistrate Judge Joel Schneider vacated the default against Defendant Castellani on April 14, 2015, and he vacated the default against the Atlantic City Defendants on April 15, 2015.

¹ The Court will construe Plaintiff’s motion as a motion for default judgment under Federal Rule of Procedure 55.

² Plaintiff names “Atlantic City Police Department Swat.” The proper defendant is City of Atlantic City.

The Court may only enter a default judgment pursuant to Rule 55(b)(2) against a defendant who has been defaulted under Rule 55(a). *See* Fed. R. Civ. P. 55. Because Judge Schneider vacated the defaults against the Atlantic City Defendants and Defendant Castellani, those defendants are no longer in default. As such, Plaintiff's motions are **DENIED**.

Dated: 09/23/2015

s/ Robert B. Kugler

ROBERT B. KUGLER

United States District Judge