

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

JHJ ENTERPRISES, LLC, et al.,

Defendants.

Civil Action No. 17-244 (MAS) (DEA)

MEMORANDUM ORDER

Dockets.Justia.com

This matter comes before the Court upon the United States of America's ("Plaintiff") Motion for Default Judgment. (Mot. Def. J., ECF No. 18.)

"Entry 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)." *Husain v. Casino Control Comm'n*, 265 F. App'x 130, 133 (3d Cir. 2008). Here, Plaintiff conflates a Clerk's entry of default with a motion for default judgment. Plaintiff submitted a "Motion for Entry of a Default Judgment" (ECF No. 18), accompanied by a "Memorandum in Support of Motion for Clerk's Entry of a Default Judgment" (ECF No. 18-1). Plaintiff's Memorandum then cites Federal Rules of Civil Procedure 55(a) and 55(b)(1). Because Plaintiff has not obtained an entry of default, a grant of default judgment is inappropriate at this juncture. Accordingly,

IT IS on this 14th day of January 2019, **ORDERED** that:

1. Plaintiff's Motion for Default Judgment (ECF No. 18) is denied without prejudice.

2. This matter is stayed pursuant to the District Court of New Jersey's Standing Order 18-4.¹

s/ Michael A. Shipp
MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

¹ Once the stay has been lifted, Plaintiff may file a request for entry of default. Plaintiff may file a Motion for Default Judgment only after the Clerk enters default against Defendants. Plaintiff's motion papers must comply with Local Civil Rules 7.1 and 7.2. In addition, Plaintiff must cite relevant Third Circuit precedent in support of its request for: (1) treble damages under the False Claims Act; and (2) a finding of joint and several liability.