

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:13-CV-721-FL

MARIAN SNOW,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
GLOBAL CREDIT AND COLLECTION)	
CORPORATION and GLOBAL)	
INTERNATIONAL,)	
)	
Defendants.)	

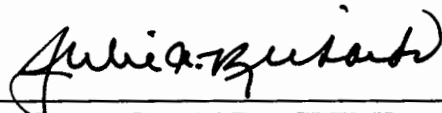
This matter is before the undersigned on *pro se* plaintiff Marian Snow’s “motion for clerk to reconsider default judgment order on defendant Global Credit and Collections Corporation based upon corrected documentation.”

On January 13, 2014, the court denied plaintiff’s motion for entry of default based on a lack of proof of service on defendant Global Credit and Collection Corporation [DE 8]. Instead of refileing the motion for entry of default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, plaintiff has filed a motion for reconsideration of the January 13, 2014 order [DE 9], seeking entry of judgment by default pursuant to Rule 55(b)(1). Plaintiff’s corrected documentation attached to the motion for reconsideration is an un-dated proof of service from a process server stating that he mailed the summons, not the summons and complaint, by certified mail on October 15, 2013 to CT Corporation System, on behalf of defendant Global Credit and Collection Corporation. The date on the certified mail receipt addressed to CT Corporation System, signed by Holly Frost, is October 17, 2013, two days later.

Before a default judgment may be granted, a default under Rule 55(a) must first have been properly sought by the plaintiff and entered by the court. As the motion for reconsideration seeks entry of judgment and not default, the motion for reconsideration must be denied.

In order to satisfy the court that the plaintiff has properly served the defendant in accordance with the federal rules and that the defendant has failed to plead or otherwise defend, the plaintiff shall accompany any future motion for entry of default with a sworn affidavit indicating the correct date and manner of service in compliance with Rule 4(c)(1) and (2) of the Federal Rules of Civil Procedure.

This the 25th day of February, 2014.



JULIE A. RICHARDS, CLERK