

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:13-cv-00232-MR-DLH**

**ANGELA FAYE CHAMBERS, as** )  
**Personal Representative of** )  
**Christopher Ryan Reese,** )  
**deceased,** )  
 )  
**Plaintiff,** )  
 )  
**vs.** )  
 )  
**MEGA MANUFACTURING, INC., a** )  
**Corporation; and ALLSTEEL, a** )  
**Corporation,** )  
 )  
**Defendants.** )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on the Plaintiff's Motion for Default Judgment against Defendant Allsteel [Doc. 17].

On January 16, 2014, the Court entered an Order directing the Plaintiff to file an appropriate motion or otherwise take further action with respect to Defendant Allsteel. [Doc. 16]. On January 24, 2014, the Plaintiff filed the present motion seeking a default judgment against Allsteel for failing to appear, answer, and/or otherwise defend this action. [Doc. 17].

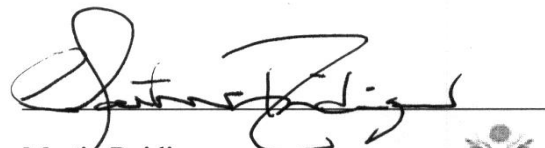
The Plaintiff's motion is premature. Before a default judgment can be entered against a non-answering defendant, a plaintiff must first seek the

entry of default. Fed. R. Civ. P. 55(a). Only once a defendant has been defaulted may a plaintiff seek a default judgment against that defendant. Because the Plaintiff has not yet sought the entry of default as to Defendant Allsteel, the Plaintiff's motion for default judgment will be denied.

**IT IS, THEREFORE, ORDERED** that Plaintiff's Motion for Default Judgment against Defendant Allsteel [Doc. 17] is **DENIED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

Signed: January 27, 2014

  
Martin Reidinger  
United States District Judge

