

Fed. R. Civ. P. 55(a). Yet, no default has been entered because plaintiff has not filed an application with the Clerk for entry of default. It is well settled that an entry of default is a prerequisite to entry of a default judgment under Rule 55(b). *See Hickman v. Burchett*, No. 2:07-cv-743, 2008 WL 926609, at *1 (S.D. Ohio Apr. 4, 2008) (“By asking for a default judgment, Plaintiff has failed to follow the sequential procedure set forth in the Rule.”) (collecting cases); *Sys. Indus., Inc. v. Han*, 105 F.R.D. 72, 74 (E.D. Pa. 1985) (citation omitted). Without the entry of a default by the Clerk, this Court cannot enter a default judgment under Rule 55(b). *Cf. O.J. Distrib. Inc.*, 340 F.3d at 352 (“Rule 55 permits the clerk to enter a default when a party fails to defend an action as required. The court may then enter default judgment.”) (quotation marks and citations omitted).

For the foregoing reasons, the Court denies plaintiff’s motion for default judgment.

IT IS SO ORDERED.

Dated: November 21, 2016



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE