

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

METROPOLITAN LIFE  
INSURANCE CO.,

Plaintiff,

v.

DONALD BROOKS, *et al.*,

Defendants.

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Case No. 3:16-cv-53

JUDGE WALTER H. RICE

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DECISION AND ENTRY OVERRULING WITHOUT PREJUDICE  
DEFENDANT DONALD BROOKS' MOTION FOR DEFAULT JUDGMENT  
ON CROSS-CLAIM (DOC. #18)

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On August 4, 2016, Defendant Donald Brooks filed a Motion for Default Judgment on his Cross-Claim against Defendants Cynthia and Ebony Jackson. Doc. #18. Federal Rule of Civil Procedure 55 sets forth a two-step process for obtaining a judgment by default. The clerk must enter the party's default *before* default judgment can be granted.

Brooks has not yet applied to the clerk for an entry of default. Accordingly, his Motion for Default Judgment on Cross-Claim is premature, and is OVERRULED WITHOUT PREJUDICE to re-filing after default has been entered.

Date: August 25, 2016



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE