



affidavit in support of default judgment, Plaintiff contends the DOD report “indicat[es] that Francisco Serrano ... is not a servicemember.” See Pl. Counsel’s Affidavit, ¶ 3.

This assertion, however, is contradicted by a plain reading of the report. To the contrary, the DOD Manpower Data Center states that “[b]ased on the personal information you provided, there are multiple records; accordingly, *DMDC cannot definitively identify the individual and is unable to release any information.* We strongly recommend in this case that you call the service SCRA for additional verification.” See Status Report Pursuant to Servicemembers Civil Relief Act [Doc. No. 15-7] (emphasis added). Below this statement, the DOD adds, “[w]ithout a social security number, the [DOD] Manpower Data Center cannot authoritatively assert that this is the same individual that your query refers to. *Name and date of birth alone do not uniquely identify an individual.*” See *id.* (emphasis added).

Based on the foregoing, the Court finds Plaintiff has failed to cure its prior deficiency in proving Defendant is not in military service. Accordingly, its Second Motion for Default Judgment is **DENIED**.

**IT IS SO ORDERED** this 30<sup>th</sup> day of August 2017.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE