

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DELORIS L. KOZAK

Defendant.

No. 4:18-CV-01798

(Judge Brann)

**MEMORANDUM OPINION**

**JANUARY 8, 2019**

On September 12, 2018, the United States of America filed a foreclosure action against Defendant Deloris L. Kozak.<sup>1</sup> The Clerk of Court entered default against Ms. Kozak on December 6, 2018.<sup>2</sup> The United States now moves for entry of default judgment against Ms. Kozak under Federal Rule of Civil Procedure 55(b).<sup>3</sup>

The United States Court of Appeals for the Third Circuit has noted that “[w]hen a defendant fails to appear[,] . . . [this Court] is authorized to enter a default judgment based solely on the fact that the default has occurred.”<sup>4</sup> Because the factual

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<sup>1</sup> ECF No. 1.

<sup>2</sup> ECF No. 8.

<sup>3</sup> ECF No. 6.

<sup>4</sup> *Anchorage Associates v. Virgin Islands Bd. of Tax Review*, 922 F.2d 168, 177 n.9 (3d Cir. 1990).

allegations of the United States' complaint establish a right to relief,<sup>5</sup> and because a sum certain amount of damages has been established with competent evidence,<sup>6</sup> this Court will grant the United States' motion and enter default judgment against Ms. Kozak.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge

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<sup>5</sup> *Comdyne I, Inc. v. Corbin*, 908 F.2d 1142, 1149 (3d Cir. 1990) (“A consequence of the entry of default judgment is that the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true.”).

<sup>6</sup> *See* ECF No. 1-2; *see also Comdyne I, Inc.*, 908 F.2d at 1149.