

**IN THE UNITED STATES DISTRICT COURT  
THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

Stephen Samples,	)	
	)	Case No. 3:11-cv-0024
Plaintiff,	)	
	)	Judge Nixon
v.	)	Magistrate Judge Knowles
	)	
Leon H. Martin, III, and Henderson, Weinstein,	)	
Wyatt and Associates, Inc.,	)	
	)	
Defendants,	)	

**ENTRY OF DEFAULT**

Pending is Plaintiff’s Motion for Default Judgment against Defendant Henderson, Weinstein, Wyatt & Associates, Inc. (Docket Entry No. 14). The Clerk will construe this motion as a request to enter default pursuant to Federal Rule of Civil Procedure 55(a). The grant of a default judgment is a two part process and no default judgment may be granted pursuant to FRCP 55(b) until default has been entered pursuant to FRCP 55(a). Ramada Franchise Systems, Inc. v. Baroda Enterprises, LLC 220 F.R.D. 303 (N.D. Ohio 2004).

The motion as construed is granted. Service was made upon Defendant on February 7, 2011. No answer or responsive pleading has been filed by Defendant. Accordingly, entry of default is appropriate and default is hereby entered against Defendant Henderson, Weinstein, Wyatt & Associates, Inc.. Plaintiff may now proceed under Federal Rule of Civil Procedure 55(b) and file a motion seeking a default judgment.

s/ Keith Throckmorton  
Keith Throckmorton  
Clerk of Court