

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

James E. Bostic,)
) Case No. 3:14-cv-1068
Plaintiff,)
) Judge Trauger
v.) Magistrate Judge Bryant
)
Mental Health Cooperative, Inc., et al.,)
)
Defendants)

DENIAL OF ENTRY OF DEFAULT

Pending is Plaintiff’s “Judgment by Default”, against Defendants “Sheriffs Office” and “Ensley Dawson” (Docket Entry No. 8). The Clerk will construe this as a request for entry of default pursuant to Federal Rule of Civil Procedure (FRCP) 55(a), as no default judgment may be granted pursuant to FRCP 55(b) until default has been entered pursuant to FRCP 55(a). *U.S. v. \$22,050.00 U.S. Currency*, 2008 WL 4093066 at page 3 (M.D. Tenn. Aug. 26, 2008); *Ramada Franchise Systems, Inc. v. Baroda Enterprises, LLC*, 220 F.R.D. 303, 305 (N.D. Ohio 2004).

The Clerk can find no proof of service upon the Defendants against whom this motion is made. Plaintiff’s motion fails for that reason. In addition, as to Defendant Dawson, Plaintiff has not submitted an affidavit of military service as required by the Servicemembers Civil Relief Act of 2003 (50 App. U.S.C. 501 et seq.).

Accordingly, default is denied.

s/ Keith Throckmorton
Keith Throckmorton
Clerk of Court