

**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
)
Shara Biggs, et al.,)
)
Defendants)

DENIAL OF ENTRY OF DEFAULT

Pending is Plaintiff’s “Judgment by Default”, against Defendants (Docket Entry No. 61), in which Plaintiff seeks an award of \$150,000 against the Defendants. 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).

Plaintiff states in his request (as construed) that Defendants have not answered an amended complaint he filed with the Court on March 25, 2015. However, no amended complaint was filed with the Court on or near that date. Plaintiff has a motion pending on the docket entitled “Plaintiff, Motion Amending His Complaint” (Docket Entry No. 51). The Clerk believes this is the filing Plaintiff is referring to as his amended complaint. Plaintiff is advised that his motion to amend has not been ruled upon by the Court and accordingly no answer by Defendants is required. No request for entry of default will be entertained by the Clerk unless the Court grants Plaintiff’s motion and the Defendants fail to answer a subsequently filed amended complaint in a timely manner.

Accordingly, Plaintiff’s request for entry of default is denied.

s/ Keith Throckmorton
Keith Throckmorton
Clerk of Court