

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MICHAEL B. BAILEY,)	
)	
Plaintiff,)	
)	
v.)	No. 2:16-cv-02577-STA-egb
)	
ASHLEY DOYLE, et al.,)	
)	
Defendants.)	

**ORDER DENYING PLAINTIFF’S MOTIONS FOR ENTRY OF DEFAULT AND FOR
DEFAULT JUDGMENT**

Before the Court are the July 25, 2017 motions of Plaintiff Michael Doyle, proceeding *pro se*, for an entry of default and for a default judgment against Defendants Ashley Doyle, Jacqueline McDougale, and Thomas Shell. (ECF Nos. 24 & 25.) Defendants Shell and Doyle have filed responses in opposition. (ECF No. 29 & 30.) An entry of default is appropriate “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend.” Fed. R. Civ. P. 55(a). Defendants Shell and Doyle have not failed to plead or otherwise defend. Shell has filed a motion to dismiss (ECF No. 18), while Doyle has sought and received from this Court an extension of time to file her answer (ECF No. 28).

Defendant McDougale, on the other hand, has not been served. The summons was returned unexecuted on July 24, 2017, and no waiver of service has been filed. (*See* ECF No. 22.) “Due process requires proper service of process for a court to have jurisdiction to adjudicate the rights of the parties.” *O.J. Distributing, Inc. v. Hornell Brewing Co., Inc.*, 340 F.3d 345, 353 (6th Cir. 2003). Here, “[P]laintiff is not entitled to a default judgment here because [McDougale]

ha[s] not been served with the summons and complaint.” *Lentz v. Loxton*, No. 12-12037, 2013 WL 2295456, at *3 (E.D. Mich. May 24, 2013). For these reasons, Plaintiff’s requests for an entry of default and a default judgment are not proper, and his Motions are DENIED.

It is so ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: August 30, 2017