

The docket shows summons was issued for Cornelious at his last known address on January 23, 2013, and delivered to the U.S. Marshal for service. However, the record does not reflect that service of process was ever effected upon Cornelious. Until Cornelious is properly served, Sanchez cannot obtain a default judgment. Thompson v. Johnson, 348 Fed.Appx. 919, 2009 WL 3199647 (5th Cir., October 6, 2009), *citing* Rogers v. Hartford Life & Acc. Ins. Co., 167 F.3d 933, 937 (5th Cir. 1999). The Magistrate Judge properly recommended that Sanchez's motion for a default judgment be denied. Sanchez's objections are without merit.

The Court has conducted a careful *de novo* review of the pleadings in this cause, the Report of the Magistrate Judge, and the Plaintiff's objections thereto. Upon such *de novo* review, the Court has concluded the Report of the Magistrate Judge is correct and the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge (docket no. 30) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for a default judgment (docket no. 23) be and hereby is DENIED.

It is SO ORDERED.

SIGNED this 17th day of May, 2013.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE