

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KIMTON COLEMAN,

Plaintiff,

v.

UNITED SUBCONTRACTORS, INC.
d/b/a CHAMPION INSULATION,

Defendant.

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Civil Action No. **3:14-CV-4174-L**

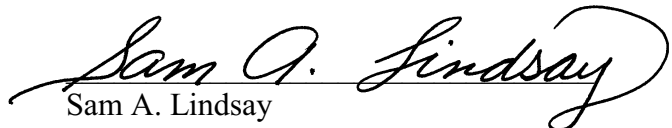
ORDER

Before the court is Plaintiff's Motion for Default Judgment (Doc. 8), filed October 2, 2015; and Defendant's Motion to Set Aside Clerk's Entry of Default (Doc. 14), filed November 6, 2015. These motions were referred to Magistrate Judge Renée Harris Toliver, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") on November 10, 2015, recommending that the court deny Plaintiff's Motion for Default Judgment (Doc. 8) and grant Defendant's Motion to Set Aside Clerk's Entry of Default (Doc. 14). The magistrate further recommended that Defendant should be required to reimburse Plaintiff's reasonable attorney's fees for securing the entry of default, filing the Motion for Default Judgment, and responding to Defendant's Motion to Set Aside Default. No objections to the Report were filed.

After carefully reviewing the motions, record, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **denies** Plaintiff's Motion for Default Judgment (Doc. 8) and **grants** Defendant's Motion to Set Aside Clerk's Entry of Default (Doc. 14). Defendant shall file an answer or otherwise respond to Plaintiff's Original Complaint by **April 12, 2016**. *Failure of Defendant to*

do so will result in entry of default against it. Any application by Plaintiff to recover reasonable attorney's fees incurred in securing the entry of default, filing the Motion for Default Judgment, and responding to Defendant's Motion to Set Aside Default by Plaintiff must be filed by **April 21, 2016**, together with supporting documentation.

It is so ordered this 22nd day of March, 2016.


Sam A. Lindsay
United States District Judge