

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

**LESLIE D. BROWN a/k/a LESLIE
CULVER,**

Defendant.

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Civil Action No. **3:15-CV-1678-L**

MEMORANDUM OPINION AND ORDER

Before the court is the United States' Motion for Default Judgment, filed July 13, 2015. After careful consideration of the motion, appendix, record, and applicable law, the court **grants** the United States' Motion for Default Judgment.

I. Background

The United States ("Plaintiff" or "United States") filed Plaintiff's Complaint ("Complaint") on May 13, 2015, against Leslie D. Brown a/k/a Leslie Culver ("Defendant" or "Brown"). This action arises from the failure of Brown to make the required payments on a loan she obtained in May 2000. The loan was disbursed for \$3,622 on July 20, 2000, at 8.00% interest per annum. The loan was made by the U.S. Department of Education under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a *et seq.* (34 C.F.R. Part 685). After demand of payment by the United States, Brown defaulted on the loan on June 4, 2001.

Brown was served with a copy of the summons and Complaint on June 13, 2015. Defendant was required to answer or otherwise respond to the Complaint by July 4, 2015, 21 days

after service of the summons and Complaint. *See* Fed. R. Civ. P. 12. As July 4, 2015, was a Saturday, the time to answer expired on July 6, 2015. To this date, Brown has not answered or otherwise responded to the Complaint.

On July 13, 2015, the United States requested the clerk of court to enter a default against Brown, and the clerk entered default against Brown the same day. Plaintiff now requests the court to enter a default judgment against Brown and award it damages and applicable interest as a result of his default.

II. Discussion

A party is entitled to entry of a default by the clerk of the court if the opposing party fails to plead or otherwise defend as required by law. Fed. R. Civ. P. 55(a). Under Rule 55(a), a default must be entered before the court may enter a default judgment. *Id.*; *New York Life Ins. Co. v. Brown*, 84 F.3d 137, 141 (5th Cir. 1996). The clerk of court has entered a default against Brown. The court also finds, based upon the information in the record, that Defendant is not a minor, incompetent person, or member of the United States military.

Brown, by failing to answer or otherwise respond to Plaintiff's Complaint, has admitted the well-pleaded allegations of the Complaint and is precluded from contesting the established facts on appeal. *Nishimatsu Constr. Co. v. Houston Nat'l Bank*, 515 F.2d 1200, 1206 (5th Cir. 1975) (citations omitted). Based on the well-pleaded allegations of Plaintiff's Complaint, which the court accepts as true, and the record in this action, the court determines that Brown is in default and that the United States is entitled to a default judgment and appropriate damages.


Based on the record, the total amount that Brown owed the United States as of September 2, 2014, was \$7,713.89 (\$3,622 in principal and \$4,091.89 in interest). Interest accrues on the principal at the rate of \$.79 per day. The number of days from September 2, 2014, to July 13,

2015, is 314, which results in additional interest in the amount of \$248.06. Therefore, the total amount of judgment to which the United States is entitled is **\$7,961.95**.

III. Conclusion

For the reasons herein stated, the court **grants** the United States' Motion for Default Judgment, and Plaintiff is entitled to and shall recover from Defendant the amount of **\$7,961.95**. The court will enter judgment by separate document, as required by Federal Rule of Civil Procedure 58, in the amount stated in favor of the United States.

It is so ordered this 13th day of July, 2015.


Sam A. Lindsay
United States District Judge