

1 states that Mr. Carrington indeed served his answer on Plaintiff. (Dkt. No. 11 at 2.) Even if this
2 certification were untrue, that would not justify entering default, which the Court cannot do
3 unless a defendant fails “to plead or otherwise defend.” Fed. R. Civ. P. 55(a). Rule 55(a) says
4 nothing about service of a responsive pleading, which is governed by Rules 5 and 12 of the
5 Federal Rules of Civil Procedure.

6 Accordingly, Plaintiff’s motion (Dkt. No. 23) is DENIED with prejudice. It is further
7 ORDERED that:

8 1. The Court will not consider any further motions for default judgment in this
9 matter from Plaintiff;

10 2. Mr. Carrington must continue to comply with Rule 5(a)(1) and (b) regarding
11 service of papers on other parties;

12 The Clerk is DIRECTED to mail Plaintiff a copy of this order, which shall include a copy
13 of Mr. Carrington’s answer (Dkt. No. 11).

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15 DATED this 7th day of September 2021.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE

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