

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

JACK HOOPER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 1:16-cv-01385-TWP-DML
	)	
KEN MOSIER,	)	
THE FINER DETAILS LLC,	)	
	)	
Defendants.	)	

**ORDER ON PLAINTIFF’S MOTION  
FOR ENTRY OF DEFAULT JUDGMENT**

This matter is before the Court on Plaintiff’s Motion for Entry of Default Judgment (Dkt. 12). Plaintiff has requested the Court enter default judgment against Defendants Ken Mosier and The Finer Details LLC. Obtaining a default judgment in federal court is a two-step process. *See* Federal Rule of Civil Procedure 55(a)-(b). If the defendant fails to timely answer or otherwise respond to a Complaint, the plaintiff can request entry of default by the court clerk. Step one requires a party to file an application for entry of default by the clerk pursuant to Rule 55(a). *Id.* The entry of a clerk’s default is a necessary prerequisite for the court to grant a default judgment. *See 10 Moore’s Federal Practice* §55.10[1], at 55-14 (Matthew Bender 3d ed. 2014). If the clerk enters a default, then the plaintiff can move to step two, and ask the Court to grant a default judgment pursuant to Rule 55(b)(2).

Here, Plaintiff did not first obtain a clerk’s entry of default, instead, he prematurely moved the court for a default judgment. Accordingly, Plaintiff’s Motion for Entry of Default Judgment (Dkt. 12) is **DENIED**. Plaintiff is given leave to re-file the appropriate motion.

Date: 7/19/2016



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TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

Kathleen Ann DeLaney  
DELANEY & DELANEY LLC  
kathleen@delaneylaw.net