

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

DEREK BLOUNT,

Plaintiff,

v.

Case No. 3:17-cv-733-J-39JRK

ESLY J. HODGE,

Defendants.

ORDER

Plaintiff's Motion for Default Judgment (Doc. 48; Motion) is **DENIED**. Plaintiff is proceeding on a Second Amended Complaint (Doc. 35), and Defendant filed a timely Motion to Dismiss (Doc. 36). Thus, Defendant has not "failed to plead or otherwise defend" the action. See Fed. R. Civ. P. 55(a). Moreover, to obtain a default judgment, a party first must move for and obtain entry of a clerk's default. See Fed. R. Civ. P. 55(a), (b). Not only is a clerk's default not warranted, but Plaintiff's assertion that a "default has been entered against defendant Esly" is incorrect. See Motion at 1.

DONE AND ORDERED at Jacksonville, Florida, this 7th day of November, 2018.


JAMES R. KLINDT
United States Magistrate Judge

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c: Derek Blount
 Counsel of Record