

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CRAIG AMIN,

Plaintiff,

v.

LOYOLA UNIVERSITY CHICAGO,

Defendant.

ORDER

05-C-543-C

Plaintiff has filed a document titled “Motion for Default Judgment,” which I construe as a motion for entry of default pursuant to Fed. R. Civ. P. 55(a). Because it does not appear that plaintiff mailed a copy of his motion to Michael P. Malone, counsel for defendant, I am sending him a copy together with a copy of this order. In the future, however, the court will not consider any document plaintiff files with the court that does not show clearly that he has mailed a copy to Mr. Malone as Fed. R. Civ. P. 5 requires.

Fed. R. Civ. P. 55(a) states:

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default.

Defendant in this case filed an answer to plaintiff's complaint by electronic filing on

October 10, 2005. Because defendant has not failed to plead or otherwise defend this lawsuit, there is no basis for granting plaintiff's motion for entry of default.

Accordingly, IT IS ORDERED that plaintiff's motion for entry of default pursuant to Fed. R. Civ. P. 55(a) is DENIED.

Entered this 24th day of October, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge