

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CRAIG A. BATES and
KARLA R. BATES,

Plaintiffs,

v.

Case No. 19-1101-JWB

GUY M. FLEMMING, GUYCAT, LLC, and
KATHRYN L. MAKEKAU,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the court on Plaintiffs' motion for default judgment against Kathryn Makekai (Doc. 88). Upon review of the docket, it is clear that Plaintiffs have not obtained a clerk's entry of default as required under Federal Rule Civil Procedure 55. "Entry of default by the clerk is a necessary prerequisite that must be performed before a district court is permitted to issue a default judgment." *Watkins v. Donnelly*, 551 F. App'x 953, 958 (10th Cir. 2014).

Therefore, Plaintiffs' motion for default judgment is denied without prejudice to refile after obtaining the clerk's entry of default.

IT IS SO ORDERED. Dated this 15th day of September 2021.

s/ John W. Broomes
JOHN W. BROOMES
UNITED STATES DISTRICT JUDGE