

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

NICK BORST,

Plaintiff,

v.

Case No. 20-2441-JWB

HONEYCOCOON D/B/A HONEYCOCOON SHOES
and JOHN DOE CORP. 1 and 2,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the court on Plaintiff's motion for default judgment against HoneyCocoon Shoes (Doc. 7). Upon review of the docket, it is clear that Plaintiff has 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, Plaintiff's motion for default judgment is denied without prejudice to refile after obtaining the clerk's entry of default.

IT IS SO ORDERED. Dated this 20th day of January 2022.

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