

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE: ALL CIVIL MATTERS)	STANDING ORDER REGARDING REQUESTS FOR DEFAULT AND DEFAULT JUDGMENT
ASSIGNED TO JUDGE SHERRI A.)	
LYDON)	
)	
)	

Under Rule 55(a) of the Federal Rules of Civil Procedure, a party seeking default judgment against another party who has failed to answer or otherwise defend must first request an entry of default. After the Clerk of Court has entered default, a party may request an entry of default judgment under Rule 55(b). If the plaintiff is not a minor or incompetent person and the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the plaintiff should file an affidavit showing the amount due and request an entry of default judgment by the Clerk of Court. *See* Fed. R. Civ. P. 55(b)(1); *United States v. Rash*, 464 F. App'x 134 (4th Cir. 2012).

In all other cases, including cases in which the plaintiff is a minor or incompetent person, cases in which the person against whom default judgment is being sought has appeared personally or by representative, and cases in which the amount of damages needs to be determined, the plaintiff should file a motion for default judgment for review by the Court pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure. This Order should not be considered a replacement for the Federal Rules of Civil Procedure and should be read in conjunction with the Federal Rules of Civil Procedure and the Local Civil Rules of this District.

IT IS SO ORDERED.

s/Sherri A. Lydon
United States District Judge