

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Patrick Ivan Brown v. Tara McCoy

Brown v. McCoy · No. 3:25-cv-00962-GCS · Decided May 19, 2026

SUMMARY

The court denies the plaintiff's motion for default judgment as premature because the Clerk had not yet entered default under Federal Rule of Civil Procedure 55(a). The court grants the plaintiff's motion for entry of default and orders the Clerk to enter default against the defendant, who failed to plead or otherwise defend. The court also notes that the plaintiff has not established damages or a basis for punitive damages.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Gilbert C. Sison
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	May 19, 2026
DOCKET	3:25-cv-00962-GCS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment under Federal Rule of Civil Procedure 55(b) before the Clerk had entered default, and later moved for entry of default under Rule 55(a).
PRECEDENTIAL VALUE	Unknown

TOPICS

- default judgment
- default
- damages
- compensatory damages
- civil procedure

PRACTICE AREAS

- civil procedure
- remedies

QUESTIONS PRESENTED

- Whether default judgment may be entered before the Clerk has entered default under Federal Rule of Civil Procedure 55(a).

2. Whether the Clerk should enter default against a defendant who has failed to plead or otherwise defend.
3. Whether Plaintiff adequately supported his requested compensatory and punitive damages.

HOLDINGS

1. Default judgment under Federal Rule of Civil Procedure 55(b) is appropriate only after default has first been established and entered under Rule 55(a). Because Plaintiff moved for default judgment before entry of default, the motion was premature and was denied.
2. The Clerk must enter default against a defendant who has failed to plead or otherwise defend as required by Federal Rule of Civil Procedure 55(a).
3. Plaintiff did not establish entitlement to the requested \$600,000 in damages because the request was not for a sum certain and Plaintiff submitted no evidence supporting compensatory damages or the grounds for punitive damages.

KEY QUOTATIONS

“There are two stages in a default proceeding: the establishment of the default, and the actual entry of a default judgment. Once the default is established, and thus liability, the plaintiff still must establish his entitlement to the relief he seeks.” (Page 3 of 3)

FACTUAL BACKGROUND

Defendant Tara McCoy returned an executed waiver of service on January 7, 2026, but did not file an answer by the January 30 deadline. Although the Court granted her additional time on February 11, 2026, she still failed to move, answer, or otherwise plead in response to the complaint. Plaintiff sought \$600,000 in pain-and-suffering and punitive damages but supplied no evidence supporting the damages request.

PROCEDURAL HISTORY

Defendant waived service, failed to answer by the deadline, and continued to fail to plead or otherwise defend after the Court sua sponte granted additional time. Plaintiff first moved for default judgment and later moved for entry of default. The court denied the premature default-judgment motion and granted the motion for entry of default, directing the Clerk to enter default under Rule 55(a).

DISPOSITION

other

CASES CITED

- In re Catt, 368 F.3d 789, 793 (7th Cir. 2004)
- Hendrickson v. Cooper, 589 F.3d 887, 892 (7th Cir. 2009)

OPINION

Brown

PER CURIAM.

THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF ILLINOIS

PATRICK IVAN BROWN,

Plaintiff, Case No. 3:25-cv-00962-GCS v.

TARA MCCOY,

Defendant.

MEMORANDUM & ORDER

SISON, Magistrate Judge: This matter is before the Court for case management purposes. Defendant Tara McCoy returned an executed waiver of service of summons on January 7, 2026, and her answer was due January 30, 2026. (Doc. 13). Defendant missed the deadline for filing a responsive pleading to the Complaint. On February 11, 2026, the Court sua sponte granted Defendant additional time. (Doc. 15). As of this date, Defendant has failed to move, answer, or otherwise plead in response to the Complaint. On March 17, 2026, Plaintiff filed a motion for default judgment. (Doc. 16). In the motion, Plaintiff asks the Court to enter judgment in his favor and award him a total of \$600,000 for pain and suffering and punitive damages. *Id.* Then on April 14, 2026, Plaintiff filed a motion asking the Clerk of Court to enter default pursuant to Federal Rule of Civil Procedure 55(a). (Doc. 17). He again requests \$600,000 in damages. *Id.* The Motion for Default Judgment is DENIED. (Doc. 16). The motion was filed prematurely, prior to the Clerk of Court entering default pursuant to Federal Rule of Civil Procedure 55(a). Only after default has been entered pursuant to Rule 55(a) against a party is default judgment under Rule 55(b) appropriate. See, e.g., *In re Catt*, 368 F.3d 789, 793 (7th Cir. 2004) (stating that “[t]here are two stages in a default proceeding: the establishment of the default, and the actual entry of a default judgment. Once the default is established, and thus liability, the plaintiff still must establish his entitlement to the relief he seeks.”). The Court further notes that Plaintiff is not requesting damages “for a sum certain,” and he has failed to produce any evidence on damages caused by Defendant McCoy’s conduct and the grounds for “obtaining an award of punitive damages.” *Id.* See also *Hendrickson v. Cooper*, 589 F.3d 887, 892 (7th Cir. 2009) (reviewing whether there was a “rational connection” between the evidence and the compensatory damage award for pain and suffering). The motion seeking entry of default is GRANTED. (Doc. 17). The Federal Rules of Civil Procedure provide that the Clerk of Court must enter default against a defendant who has failed to plead or otherwise defend. See FED. R. CIV. PROC. 55(a). Accordingly, the Court ORDERS the Clerk of Court to ENTER DEFAULT against Defendant McCoy in accordance with Federal Rule of Civil Procedure 55(a). The Clerk of Court is DIRECTED to transmit a copy of this Order and the entry of default to Plaintiff and to Defendant McCoy. The Clerk shall also provide a copy of this Order to Assistant Attorney Generals Lisa Cook and Christine McClimans, as Defendant McCoy is represented by the Illinois Attorney General’s Office in *Denzell v. McCoy*,

Case No. 25-cv-00185-SPM (S.D. Ill.), which is also being litigated in this district. IT IS SO ORDERED. Digitally signed by DATED: May 19, 2026. - . Judge Sison Sint ©. Ddne Date: 2026.05.19 14:39:59 -05'00'

GILBERT C. SISON

United States Magistrate Judge Page 3 of 3