

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT CINCINNATI

Larry O. White Jr. v. ODRC Director, et al.

White · No. 1:24-cv-270 · Decided December 18, 2025

SUMMARY

The United States District Court for the Southern District of Ohio recommends denying Plaintiff Larry O. White Jr.'s motion for default judgment against Institutional Inspector Tad Palmer. The court explains that Plaintiff did not first obtain an entry of default from the Clerk and that Palmer had already obtained leave to answer instanter and filed an answer.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Cincinnati
WRITING FOR THE COURT	Peter B. Silvain, Jr.
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Cincinnati
DECIDED	December 18, 2025
DOCKET	1:24-cv-270
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on Plaintiff's motion for default judgment against Defendant Institutional Inspector Tad Palmer.
STANDARD OF REVIEW	The report and recommendation applied the two-step default-judgment procedure under Federal Rule of Civil Procedure 55.
PRECEDENTIAL VALUE	unpublished report and recommendation; nonprecedential

TOPICS

- default judgment
- default
- civil procedure
- section 1983

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to default judgment when he had not first obtained an entry of default from the Clerk of Court.
2. Whether default or default judgment was appropriate after Defendant Tad Palmer obtained leave to answer instanter and filed an answer.

HOLDINGS

1. Default judgment should be denied because Federal Rule of Civil Procedure 55 contemplates a two-step process requiring a clerk's entry of default before a motion for default judgment.
2. Default should not be entered because Defendant Tad Palmer obtained leave of Court to file his answer instanter and filed the answer on December 5, 2024.

KEY QUOTATIONS

“Rule 55 of the Federal Rules of Civil Procedure contemplates a two-step process in obtaining a default judgment against a defendant who has failed to plead or otherwise defend.”

“Accordingly, Plaintiff’s Motion for Default Judgment (Doc. #26) should be DENIED.”

FACTUAL BACKGROUND

Plaintiff sought default judgment against Institutional Inspector Tad Palmer for allegedly failing to timely file an answer. Plaintiff had not requested entry of default from the Clerk before filing the motion, and Palmer obtained leave to file an answer instanter and filed his answer on December 5, 2024.

PROCEDURAL HISTORY

Plaintiff moved for default judgment based on Defendant Tad Palmer's alleged failure to timely answer. The magistrate judge recommended denying the motion because Plaintiff had not first obtained an entry of default from the Clerk under Federal Rule of Civil Procedure 55(a), and because Palmer later obtained leave to answer instanter and filed an answer on December 5, 2024.

DISPOSITION

other

CASES CITED

- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981)