

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Erice O. Magee v. Amazon Corporation, LLC, et al.

Civil Action No. 25-1241 (E.D. La. May 18, 2026) (report and recommendation) · No. Civil Action No. 25-1241
· Decided May 18, 2026

SUMMARY

The magistrate judge recommends denying Erice O. Magee’s motion for default judgment against Amazon. The recommendation concludes that the Clerk denied entry of default and that Amazon timely filed its answer within 21 days after service of the summons.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	May 18, 2026
DOCKET	Civil Action No. 25-1241
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff moved for default judgment under Federal Rule of Civil Procedure 55 after asserting that Amazon failed to answer by the deadline. The magistrate judge issued a report and recommendation that the motion be denied.
STANDARD OF REVIEW	The report and recommendation advised that failure to object within 14 days would bar appellate attack on factual findings and legal conclusions accepted by the district court, absent plain error.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Erice O. Magee v. Amazon Corporation, LLC, et al.

TOPICS

- default judgment
- default
- service of process
- civil procedure
- employment law

PRACTICE AREAS

- civil procedure
- employment law

QUESTIONS PRESENTED

1. Whether Amazon was in default when it filed its answer 21 days after service of the summons.
2. Whether a court may enter default judgment when the clerk has denied entry of default.
3. Whether Plaintiff's motion for default judgment should be denied because the procedural prerequisites for default judgment were not satisfied.

HOLDINGS

1. Amazon was not in default because Federal Rule of Civil Procedure 12(a)(1)(A) measures the 21-day period for answering from service of the summons, not issuance of the summons, and Amazon answered within that period.
2. A plaintiff must first obtain an entry of default under Federal Rule of Civil Procedure 55(a) before applying for a default judgment under Rule 55(b).

KEY QUOTATIONS

“To summarize, a plaintiff must satisfy three steps to obtain a default judgment: (1) default by the defendant; (2) entry of default by the court clerk; and (3) a default judgment granted by the court.”

“As such, Plaintiff is not entitled to seek a default judgment and entry of same would be entirely improper in light of the timely-filed answer.”

FACTUAL BACKGROUND

Magee brought an employment case against Amazon. A summons issued on April 3, 2026, and Amazon was served through its registered agent on April 23, 2026. Amazon filed its answer on May 14, 2026, which was 21 days after service. Magee sought default based on the mistaken premise that the answer deadline ran from issuance of the summons rather than service.

PROCEDURAL HISTORY

Magee filed this employment action on June 17, 2025. After service on Amazon's registered agent on April 23, 2026, Amazon filed an answer on May 14, 2026. The Clerk denied Magee's motion for entry of default, and Magee then moved for default judgment. The magistrate judge recommended denial because no clerk's entry of default existed and Amazon answered within 21 days after service.

DISPOSITION

denied

CASES CITED

- Fagan v. Lawrence Nathan Assocs., Inc., 957 F. Supp. 2d 784, 794, 796 (E.D. La. 2013)
- Rogers v. Hartford Life & Accident Ins. Co., 167 F.3d 933, 941-42 (5th Cir. 1999)
- Sun Bank of Ocala v. Pelican Homestead & Sav. Ass'n, 874 F.2d 274, 276 (5th Cir. 1989)

- N.Y. Life Ins. Co. v. Brown, 84 F.3d 137, 141 (5th Cir. 1996)
- Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)

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