



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

**GUIDELINES FOR REQUESTING  
CLERK'S ENTRY OF DEFAULT  
AND DEFAULT JUDGMENT**

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Under FED. R. CIV. P. 55, “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.”

**TO OBTAIN CLERK’S ENTRY OF DEFAULT**

If a Clerk’s Entry of Default is needed, the following should be filed:

- (1) **Request for Clerk’s Entry of Default** (a/k/a Praecipe);
- (2) **Affidavit of Nonmilitary Service** as provided for in the Soldiers’ and Sailors’ Civil Relief Act of 1940, 50 U.S.C. §§ 501, *et seq.* (The affidavit is needed for individuals only; not needed for corporations.)

Once the above have been filed, the Clerk’s Office will verify that proper service has been perfected. If it has, the Clerk will issue the Clerk’s Entry of Default using the Court’s form. Distribution of this form will be made by the Clerk’s Office to all counsel and *pro se* litigants of record.

**TO OBTAIN DEFAULT JUDGMENT**

If entry of default judgment is sought *after the Clerk’s Entry of Default*, the following should be filed and submitted:

- (1) **Motion for Entry of Default Judgment**
- (2) **Proposed Default Judgment.**

If the motion for default judgment “is for a sum certain or for a sum that can be made certain by computation, the clerk--on the plaintiff’s request with an affidavit showing the amount due [an **Affidavit of Sum Certain**]-must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.” FED. R. CIV. P. 55(b)(1).

All other applications for entry of default judgment will be submitted to the Court for ruling.