



United States District Court  
Southern District of New York

# DEFAULT JUDGMENT

This guide is intended to be a summary of basic instructions for requesting a default judgment. The statements in this guide do not constitute legal advice and may not be cited as legal authority. This guide does not take the place of the Federal Rules of Civil Procedure, this court's Local Civil Rules, or the individual rules of practice and orders of the judges of this court. Parties using this guide remain responsible for complying with all applicable rules of procedure.

## Summary

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- A default judgment is a court decision in favor of one side, often the plaintiff, when the other side, often the defendant, does not participate in the court proceeding. The process for requesting entry of default and moving for default judgment against a defendant can be found in **Federal Rule of Civil Procedure 55** and [Local Civil Rule 55.1 and 55.2](#). For those who have requested and been granted electronic filing privileges on the electronic docket (ECF), instructions can also be found in **ECF Rule 16.1-16.4**. **A court considering a motion for a default judgment must take the facts pleaded in the complaint as true and enter judgment if those facts establish the legal claim asserted.**
- There are two steps to obtaining a default judgment. **First**, the party seeking a default judgment, often the plaintiff and known as the moving party,<sup>1</sup> must request a "Certificate of Default" from the Clerk's Office. This Certificate confirms that the party against whom the judgment is sought was served with the pleadings and has failed to respond. **Second**, the moving party must apply for the entry of a default judgment by submitting the Certificate of Default along with an accompanying

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<sup>1</sup> Any party can move for a default judgment when a request for relief has been made and the opposing party has failed to appear or otherwise respond. The most common reason to move for default judgment is when a defendant has failed to respond to a summons. Accordingly, these instructions assume that the moving party is the plaintiff and the non-moving party is the defendant, as do the accompanying forms, which may be edited as appropriate.

**PRO SE INTAKE WINDOW LOCATIONS:**  
500 PEARL ST, 2<sup>ND</sup> FL | NEW YORK, NY 10007  
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

**MAILING ADDRESS:**  
500 PEARL STREET | NEW YORK, NY 10007  
PRO SE INTAKE UNIT: 212-805-0136



declaration and other information, to the presiding judge or the Clerk of Court, depending on the relief sought.

## Step 1: Request for Certificate of Default

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To obtain a Certificate of Default, you first must request a “Certificate of Default” from the Clerk’s Office. You can do this by submitting three documents to the Clerk’s Office:

1. Request for a Clerk’s Certificate of Default. This is simply a formal request for the Certificate.
2. Declaration in Support of Request for Clerk’s Certificate of Default. This provides, under the penalty of perjury, certain critical facts about the case, in particular that the non-moving party, most often the defendant, was made aware of the proceeding by the service of documents and that the time for the defendant to respond or answer has expired; and that the defendant does not have certain characteristics that would excuse a failure to respond.
3. A draft Clerk’s Certificate of Default. This provides, in draft form, what the Clerk’s Office will provide to you.
4. Certificate of Service. You must serve a copy of the above forms on the defendant at the last known address, then fill out this form to confirm that you have done so.

These [four documents are available in a single packet](#) for pick up at the Pro Se Intake Unit or accessible on the SDNY website at:

<https://nysd.uscourts.gov/sites/default/files/2025-06/Request-certificate-default-pro-se.pdf>.

## Step 2: Request for Default Judgment

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Once you have obtained the Certificate of Default, you are ready to request a default judgment. Specific requirements for your case will depend on the judge presiding over your case and the nature of the relief you are requesting.

- ➔ Consult the presiding judge’s Individual Rules and Practices in Civil Cases (check to see whether the presiding judge has particular rules for Civil Pro Se Cases) and confirm whether these rules have instructions for how to request a default judgment. Some judges request that you file a motion; others request



that you file an Order to Show Cause. The individual rules will identify what information you should provide in your papers.

If the presiding judge does not have specific rules for requesting default judgment, you must follow the requirements of Local Rule 55.2, which requires the plaintiff to file a declaration or a motion. Your case will fall into **one of two categories**.

- A. If your complaint seeks only payment of a specific amount of money (that is, a sum certain) and no other relief, you may submit to the Clerk's Office:
1. Declaration of Sum Certain that identifies the principal amount due, which cannot exceed the amount sought in the claim, plus interest, with credit for any payments received from the defendant.
  2. Declaration declaring that the defendant does not have certain characteristics that would excuse a failure to respond.
  3. Certificate of Service. A certificate of service indicating the declarations above have been served on the defendant.

These [three documents are available in a single packet](https://nysd.uscourts.gov/sites/default/files/2025-06/declaration-sum-certain-pro-se.pdf) for pick up at the Pro Se Intake Unit or accessible on the SDNY website at:

<https://nysd.uscourts.gov/sites/default/files/2025-06/declaration-sum-certain-pro-se.pdf>.

— OR —

- B. If your complaint seeks an indeterminate amount of damages and any other form of relief (injunctive or declaratory relief), you may submit a motion to the presiding judge that includes:
1. Notice of Motion for Default Judgment.
  2. Declaration in Support of Motion for Default Judgment.
  3. Statement of Damages.
  4. Clerk's Certificate of Default.
  5. Proposed Default Judgment.
  6. Certificate of Service.



These [six documents are available in a single packet](#) for pick up at the Pro Se Intake Unit or accessible on the SDNY website at:

<https://nysd.uscourts.gov/sites/default/files/2025-06/motion-for-default-judgment-pro-se.pdf>.

If the declaration of a sum certain or a motion for default judgment, mailed to the defendant, is returned, another Certificate of Service must be filed setting forth that fact, together with the reason provided for return, if any.

A [Certificate of Service](#) is available for pick up at the Pro Se Intake Unit or accessible on the SDNY website at:

<https://nysd.uscourts.gov/sites/default/files/2025-04/certificate-of-service-fillable-2025-05-21.pdf>.

## QUESTIONS

If you have any questions, please contact the Pro Se Intake Unit, 212-805-0136, during business hours, 8:30 a.m.–5:00 p.m., Monday–Friday (except federal holidays). The Pro Se Intake Unit cannot accept collect calls.

**\*\*\* These instructions should not be submitted with your complaint \*\*\***