

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

UNITED STATES *v.* MAXONYMOUS

CERTIORARI TO THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

No. 09–32. Decided July 6, 2020

Respondent sued the United States in the District Court invoking a number of torts. After the United States failed to respond to the civil complaint, respondent moved for default judgment in his favor. The United States filed a response to that motion, opposing it. Even though the United States had appeared and responded to the default judgment motion, the District Court nevertheless granted default judgment. The United States appealed.

Held: The District Court should not have entered default judgment after the United States engaged with the case and made clear its intention to actively engage with the proceedings. Default judgment is not a substitute for a full adversarial process. Pp. 1–2.

Reversed and remanded.

PITNEY, J., delivered the opinion for a unanimous Court.

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 09–32

UNITED STATES, PETITIONER *v.* MAXONYMOUS

ON WRIT OF CERTIORARI TO THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF COLUMBIA

[July 6, 2020]

JUSTICE PITNEY delivered the opinion of the Court.

I

Default judgment is a very unique item in our judicial toolset. Many disregard it as a simple “enforcement technique” to compel compliance with court orders. In this case, default judgment was granted against the United States, even though they claim to have been present at proceedings. In the pursuit of upholding the impartial application of justice, a review of default judgments, their application, and a specific study of the case at hand is required.

II

A

When discussing default judgment, we need to recognize why default judgment exists. Default judgment exists to ensure civility exists in our legal system. Simply, it enforces courtesy.¹ Rule 55 of the Federal Rules of Civil Procedure (FRCP) orders the circumstances where Default Judgment must be entered. “When a party against whom a judgment for affirmative relief is sought has failed to plead

¹Adam Owen Glist, *Enforcing Courtesy: Default Judgments and the Civility Movement*, 69 Fordham L. Rev. 757 (2000).

Opinion of the Court

or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." FRCP R. 55(a). It is clear that legislatively, the Congress intended that default judgement would be a strict, and immediate backlash against parties who take it upon themselves to ignore civil proceedings. "The entry of a default judgment is one of the most severe sanctions that a federal court can impose upon a party for failure to comply with the Federal Rules of Civil Procedure."² With this knowledge we can conduct a review on the actions of the inferior court.

B

To examine this case is simple. No complicated pronged tests are required. Default judgment is the punishment for failing to engage with a case, a violation of societal courtesy. Did the United States engage with the case? The answer is undoubtedly yes. "The United States actively attended the case, including filing a response to the motion for default judgment by the plaintiff." Brief for Petitioner 7. By submitting a brief against the application of default judgment, the default judgment should not have been granted. We find with this that the default judgment was wrongly submitted by the presiding judge and order its vacation. We remand the case to the District Court to be trialed *de novo*.

C

With the previous order in place the remaining questions submitted by the United States stand. We find that, with the granting of question 1, petitioner has no standing on questions 2-6. They remain unanswered.

It is so ordered.

²Peter H. Bresnan and James P. Cornelio, Relief from Default Judgments Under Rule 60(b)--A Study of Federal Case Law, 49 Fordham L. Rev. 956 (1981).