

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JEFFREY BAKER, an individual,

Plaintiff,

v.

Case No: 2:17-cv-403-FtM-38MRM

ADVANCED IMAGING OF PORT
CHARLOTTE, LLC,

Defendant.

REPORT AND RECOMMENDATION¹

This cause is before the Court on the Order to Show Cause entered on May 1, 2018, requiring Defendant Advanced Imaging of Port Charlotte, LLC to show good cause why a default should not be entered against it for failing to obtain counsel to represent it and for failing to comply with this Court's January 9, 2018 Order ([Doc. 22](#)). Defendant did not respond to the Order to Show Cause.

Procedurally, on January 9, 2018, the Court entered an Order ([Doc. 22](#)), allowing counsel for Defendant to withdraw from this action. ([Doc. 22 at 2](#)). The Court afforded Defendant thirty (30) days in which to retain new counsel and have counsel file a notice of appearance in this case. (*Id.* at 2). As explained in the January 9, 2018 Order, pursuant to [28 U.S.C. § 1654](#), a

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party may appear and conduct their own cases personally. However, a lay person is not permitted to represent any other person or entity. *U.S. ex rel. Stronstorff v. Blake Med. Ctr.*, No. 8:01-CV-844-T23MSS, 2003 WL 21004734, at *1 (M.D. Fla. Feb. 13, 2003). Non-natural persons or artificial entities such as corporations, partnerships, and associations, may appear in federal court only through licensed counsel. *Id.* (citing *Rowland v. Cal. Men's Colony*, 506 U.S. 194, 201-02 (1993)); *see also*, M.D. Fla. R. 2.03(e). Thus, the Court required Defendant as an LLC to retain counsel to represent it.

When Defendant failed to retain counsel and failed to comply with the January 9, 2018 Order, the Court entered an Order to Show Cause ([Doc. 24](#)), allowing Defendant one final opportunity to retain counsel and to show good cause why a default should not be entered against it. ([Doc. 24 at 1-2](#)). The Court afforded Defendant an additional fourteen (14) days to comply with the Order to Show Cause. (*Id.* at 2). The docket reflects that Defendant failed to retain counsel and failed to comply with this Court's January 9, 2018 Order and May 1, 2018 Order to Show Cause. In both Orders, the Court cautioned Defendant that if it failed to comply with the Orders, the Court would recommend that a default be entered against it. ([Doc. 22 at 2](#); [Doc. 24 at 2](#)). Accordingly, the Court recommends that a default be entered against Advanced Imaging of Port Charlotte, LLC.

IT IS RESPECTFULLY RECOMMENDED:

The Clerk of Court be directed to enter a Clerk's Default against Defendant Advanced Imaging of Port Charlotte, LLC.

Respectfully recommended in Chambers in Ft. Myers, Florida on May 22, 2018.



MAC R. MCCOY
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* [11th Cir. R. 3-1](#).

Copies furnished to:

Counsel of Record
Unrepresented Parties