

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CARLTON E. HOOKER, JR.,

Plaintiff,

v.

Case No. 8:18-cv-2163-T-30AAS

SUZANNE KLINKER and ROBERT C.
SHOGREN, as individuals,

Defendants.

ORDER

Plaintiff Carlton E. Hooker, Jr. moves for an entry of clerk's default against Defendants Suzanne M. Klinker and Robert Shogren, under Federal Rule of Civil Procedure 55(a). (Docs. 19, 20).

Under Rule 55(a), when a defendant fails to "plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). Here, Ms. Klinker and Mr. Shogren moved to dismiss Mr. Hooker's complaint. (Doc. 25). In addition, Ms. Klinker and Mr. Shogren responded to Mr. Hooker's motions for clerk's default arguing that service was improper and their motion to dismiss was filed timely. (Doc. 43). These actions establish Ms. Klinker and Mr. Shogren otherwise defended against Mr. Hooker's complaint. Therefore, Mr. Hooker's motions for entry of clerk's default (Docs. 19, 20) are **DENIED**.

ORDERED in Tampa, Florida on April 11, 2019.

Amanda Arnold Sansone

AMANDA ARNOLD SANSONE
United States Magistrate Judge