

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MELVIN C. LEWIS,

Petitioner,

v.

Case No: 6:19-cv-810-Orl-40TBS

THE STATE OF FL, INC., STATE
ATTORNEY GENERAL, FIFTH DIST.
APPEAL VENUE, ORANGE COUNTY,
NINTH CIRCUIT, INC., ARAMIS D.
AYALA, ELIZABETH STARR, STEVE
JEWITT, KIETH A. CARSTEN,
WHITHEAD AND WILSON, J.J.
ESQUIRES, MUNICIPAL CITY OF
OAKLAND, FLORIDA, INC., ANGELA D.
CAMPBELL and ELIAS DEJESUS,

Respondents.

ORDER

This matter comes before the Court on Plaintiff's Motion for Default Judgment Against Defendants, State of Florida, Inc. and/by State Attorney B.A.R. Agent Aramis D. Ayala, Esquire (Doc. 32). Plaintiff argues that judgment should be entered against these Defendants because they failed to respond to his summonses and complaint within 21 days of service (Doc. 32, ¶ 1). The motion is premature because Clerk's defaults have not been entered against these Defendants and it does not appear from the averments in the motion that these Defendants have been properly served.

If the Defendants have been properly served and had Clerk's defaults already been entered then the motion would still be denied because the Court is not persuaded that Plaintiff's complaint avers well pleaded facts which, accepted as true, would state a cause of action.

The motion itself is also insufficient for a variety of reasons including the failure to include a memorandum of law as required by Local Rule 3.01(a) and the failure to state the relief to be granted.

For these reasons, Plaintiff's motion for default judgment is **DENIED**.

DONE and **ORDERED** in Orlando, Florida on June 17, 2019.



THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Pro se Plaintiff