

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

BALBOA CAPITAL CORPORATION,

Plaintiff,

v.

Case No: 6:20-mc-45-PGB-LHP

SANTIAGO M. LEYTE VIDAL MD,  
LLC., SANTIAGO LEYTE-VIDAL and  
DOES 1 THROUGH 10,

Defendants

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**ORDER**

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: MOTION FOR ENTRY OF ORDER AUTHORIZING UNITED STATES MARSHAL TO SERVE WRIT OF EXECUTION, FOR APPOINTMENT OF SUBSTITUTE CUSTODIAN AND FOR ENTRY OF ORDER INSTRUCTING MARSHAL TO SET SALE, AND INCORPORATED MEMORANDUM OF LAW (Doc. No. 41)**

**FILED: December 5, 2024**

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**THEREON it is ORDERED that the motion is DENIED without prejudice.**

On September 29, 2020, a final judgment was entered against Defendants and in favor of Plaintiff in the United States District Court for the Central District of California, Southern Division. Doc. No. 1-1. On December 22, 2020, Plaintiff registered the judgment in this Court pursuant to 28 U.S.C. § 1963. Doc. No. 1. Recently, Plaintiff filed a motion for, and obtained, a writ of execution. Doc. No. 40; *see also* Doc. Nos. 38-39. By the above-styled motion, Plaintiff seeks various forms of relief, to include: (1) an Order authorizing the United States Marshal to serve a writ of execution; (2) appointment of a substitute custodian for property to be seized (a vehicle); and (3) an Order directing the Marshal to set a sale of the subject property. Doc. No. 41.

Upon review, the motion is due to be denied without prejudice for failure to adequately support the relief sought. Indeed, besides citation to the general rules regarding writs of execution, Plaintiff provides no legal authority supporting the requested forms of relief. *Id.* at 2. And it is not clear from the motion why further Order from the Court is necessary for the United States Marshal to serve the writ of execution already issued (Doc. No. 40). *Id.*

Accordingly, the motion (Doc. No. 41) is **DENIED without prejudice** to filing a renewed motion supported by citation to legal authority supporting each of the specific requests for relief sought.

**DONE and ORDERED** in Orlando, Florida on January 8, 2025.

Handwritten signature of Leslie Hoffman Price in blue ink.

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LESLIE HOFFMAN PRICE  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties