

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

JOCELYN TORO,

Plaintiff,

v.

Case No: 6:23-cv-1059-WWB-LHP

UNITE HERE 362 and TCU LODGE
1908,

Defendants

ORDER

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

MOTION: DEFAULT MOTION (Doc. No. 40)

FILED: February 21, 2024

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

The motion fails to comply with the Local Rules, including Local Rules 3.01(a) and 3.01(g). In addition, the motion fails to address whether service has been effected on Defendant Unite Here 362, much less establish that service on Unite Here 362 was proper. See Doc. No. 24, at 11-12 (discussing Unite Here 362's

argument that Plaintiff failed to properly effect service of the initial complaint, and requiring proof of service on amendment);¹ Doc. No. 37 (adopting Doc. No. 24); *see also generally United States v. Donald*, No. 3:09-cv-147-J-32HTS, 2009 WL 1810357, at *1 (M.D. Fla. June 24, 2009) (before a Clerk's default can be entered against a defendant, the Court must determine that the defendant was properly served). Any renewed motion must fully comply with the Local Rules and demonstrate that Defendant Unite Here 362 has been properly served.

Plaintiff has previously been cautioned that although she proceeds *pro se*, she is still obligated to comply with all applicable Court Orders, Local Rules, and Federal Rules of Civil Procedure. E.g., Doc. Nos. 33, 36. Plaintiff is now cautioned that future failures to comply may result in the imposition of sanctions.

DONE and ORDERED in Orlando, Florida on February 21, 2024.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

¹ After issuance of the Report regarding Plaintiff's initial complaint and Defendants' motions to dismiss (Doc. No. 24), Plaintiff filed a Return of Service stating that Unite Here 362 was served by delivering process to "Adam Beaton" as "Administrative Assistant." Doc. No. 25. But the present motion makes no attempt to demonstrate that such service of the initial complaint was proper, and it is not clear whether formal service of the amended complaint was required. *See* Fed. R. Civ. P. 4.

Counsel of Record
Unrepresented Parties