

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

LATETIA SAWYERS,

Plaintiff,

v.

Case No: 8:23-cv-1862-CEH-SPF

COASTAL QSR HOLDINGS, LLC,

Defendant.

_____/

ORDER

This matter comes before the Court on Plaintiff's Motion for Entry of Default (Doc. 15), filed on February 5, 2024. In the motion, Plaintiff requests entry of a Clerk's Default against Defendant Coastal QSR Holdings, LLC d/b/a Taco Bell. The Court does not need a response from Defendant to rule on the motion. The Court, having considered the motion and being fully advised in the premises, will deny Plaintiff's Motion for Entry of Default.

DISCUSSION

Plaintiff Latetia Sawyers, who is proceeding *pro se*, requests entry of a Clerk's default against Defendant because Defendant's motion to dismiss was filed after the 21 days permitted under the Rules of Civil Procedure. When a defendant fails "to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter" the defendant's default upon the plaintiff's request. Fed. R. Civ. P. 55(a). Here, Defendant did not fail to plead or otherwise defend. Prior to Plaintiff's filing of

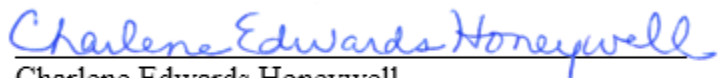
a motion for Clerk's Default, Defendant filed a motion to dismiss or, in the alternative, for more definite statement pursuant to Fed. R. Civ. P. 12(b) and 12(e). Thus, Plaintiff's Motion for Clerk's Default is due to be denied.

On January 17, 2024, this Court entered an Order giving Plaintiff until March 6, 2021 in which to file a response to Defendant's motion to dismiss. Doc. 11. Because it is unclear from the docket whether a copy of that Order was mailed to the *pro se* Plaintiff, the Court will grant Plaintiff an additional seven (7) days in which to file her response to the motion to dismiss. Accordingly, it is

ORDERED:

1. Plaintiff's Motion for Entry of Default (Doc. 15) is **DENIED**.
2. The Clerk is directed to mail a copy of the Court's January 17, 2024 Order (Doc. 11) to Plaintiff, along with a copy of this Order.
3. Plaintiff is directed to file her response to the Defendant's motion to dismiss (Doc. 9) no later than **March 13, 2024**.
4. Plaintiff's failure to respond to the motion to dismiss within the time permitted will result in the motion being treated as unopposed. *See* M.D. Fla. Local Rule 3.01(c).

DONE AND ORDERED in Tampa, Florida on February 8, 2024.


Charlene Edwards Honeywell
United States District Judge

Copies to: Counsel of Record and Unrepresented Parties