

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

KIVA HAIR,

Plaintiff,

v.

Case No: 6:24-cv-49-ACC-LHP

ZIONS DEBT HOLDINGS LLC,

Defendant

ORDER

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

**MOTION: PLAINTIFF'S MOTION FOR ENTRY OF CLERK'S
DEFAULT (Doc. No. 12)**

FILED: February 22, 2024

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

Plaintiff seeks Clerk's default against Defendant Zions Debt Holdings LLC, stating that Defendant was served on January 16, 2024 but has failed to appear or otherwise defend. Doc. Nos. 11, 12; *see* Fed. R. Civ. P. 55(a). Upon review, however, the motion fails to comply with Local Rule 3.01(a) by failing to include a

memorandum of legal authority in support. In addition, the motion fails to adequately address, with citation to legal authority, that service of process on Defendant was proper, specifically that serving "Mia Johnson as Authorized Party" was sufficient under governing law. *See 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).

Accordingly, Plaintiff's motion (Doc. No. 12) is **DENIED without prejudice**. Plaintiff may file a renewed motion within **fourteen (14) days** of this Order, which must include a memorandum of legal authority establishing that service of process on Defendant was proper under applicable law.

DONE and ORDERED in Orlando, Florida on February 23, 2024.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties