

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES SURETY
COMPANY, a Maryland
Corporation,

Plaintiff,

v.

CASE NO. 3:24-cv-235-WWB-MCR

JONATHAN BELLOIT and
MICHELLE BELLOIT,

Defendants.

_____ /

ORDER

THIS CAUSE is before the Court on Plaintiff's Motion for Default Judgment ("Motion"). (Doc. 14.) Because the Motion fails to comply with the requirements of the Servicemembers Civil Relief Act ("SCRA"), 50 U.S.C. App'x § 501 *et seq.*, the Motion is **DENIED without prejudice**.

Pursuant to 50 U.S.C. App'x § 521, a plaintiff who seeks the entry of a default judgment in its favor must file an affidavit:

(A) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or (B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

50 U.S.C. App'x § 521(b).

Here, Plaintiff has not done so. Instead, Plaintiff appends to his

Motion an Affidavit from John Yi in Support of Motion for Final Judgment (Doc. 14-1) and a Loss Report (Doc. 14-2). Neither of which state “whether or not the defendant is in military service” and/or that Plaintiff is “unable to determine whether or not the defendant is in military service.” 50 U.S.C. App’x § 521(b)(1)(A)-(B). Consequently, any new motion for default judgment against Defendants must comply with 50 U.S.C. App’x § 521.¹

Accordingly, it is **ORDERED**:

1. Plaintiff’s Motion (**Doc. 14**) is **DENIED without prejudice**.

DONE AND ENTERED at Jacksonville, Florida, on September 23, 2024.


MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies to:

Counsel of Record

¹ See *Clear Spring Prop. and Cas. Co. v. Smrke*, No. 822CV02708TPBSPF, 2023 WL 8622144, at *1 (M.D. Fla. Oct. 3, 2023) (“Based on the statutory language, Plaintiff’s statement must be made under penalty of perjury and must provide necessary facts to support that Defendant is not in military service.”); *Alexander Produce, Inc. v. DGR Sales, LLC*, No. 2:21-CV-495-JLB-KCD, 2022 WL 2869653, at *1 (M.D. Fla. July 21, 2022) (same); *Mamamia Produce, LLC v. Fresh Fla. Products, Inc.*, No. 8:22-CV-974-KKM-SPF, 2022 WL 18774910, at *1 (M.D. Fla. Aug. 16, 2022) (same); *S.E. Farms, Inc. v. Watkins*, No. 3:19-CV-565-J-32MCR, 2019 WL 13155429, at *2 (M.D. Fla. Oct. 28, 2019) (denying motion for default judgment for non-compliance with SCRA).