

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANDREW BRYANT SHEETS,

Plaintiff,

v.

Case No.: 2:24-cv-495-JLB-KCD

JERRY PRESSELLER, THE
DOWNTOWN MERCHANTS
COMMITTEE OF PUNTA GORDA,
INC., DAVID JOSEPH LIPKER
and CITY OF PUNTA GORDA,

Defendants.

_____ /

ORDER

Plaintiff Andrew Sheets previously moved a clerk's default against Defendant The Downtown Merchants Committee of Punta Gorda, Inc. (Doc. 41.) That request was denied (Doc. 43), and Plaintiff now asks the Court to reconsider its ruling (Doc. 46). Defendant Jerry Presseller has responded in opposition to the motion for reconsideration. (Doc. 47.)

Plaintiff's motion will be denied because he merely seeks to re-litigate the merits of his request for a clerk's default. But "a motion for reconsideration does not provide an opportunity to simply reargue an issue the Court has once determined." *Am. Ass'n of People With Disabilities v. Hood*, 278 F. Supp. 2d 1337, 1340 (M.D. Fla. 2003). Reconsideration of a previous order is an

extraordinary remedy to be employed sparingly. “Only a change in the law, or the facts upon which a decision is based, will justify a reconsideration of a previous order.” *Sussman v. Salem, Saxon & Nielsen, P.A.*, 153 F.R.D. 689, 694 (M.D. Fla. 1994).

Plaintiff does not claim an intervening change in controlling law or the underlying facts. Nor has he shown any legal error to induce the Court to reverse its decision. While Plaintiff claims he contacted Defendant, who stated they received service, and he contacted the Sheriff’s Office, who says service was proper, these facts don’t change the outcome. As outlined in the Court’s order denying default, service on Diane Ford as “office manager” does not follow Florida law. (Doc. 43 at 2-3.) As ordered, Plaintiff must attempt service in compliance with Fla. Stat. § 48.081 by October 7, 2024. (*Id.* at 3-4.)

Accordingly, it is **ORDERED**:

Plaintiff’s Motion for Reconsideration (Doc. 46) is **DENIED**.

ENTERED in Fort Myers, Florida on September 16, 2024.


Kyle C. Dudek
United States Magistrate Judge