

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

KEVIN J. BOEVE,

Plaintiff,

v.

Case No.: 8:24-cv-00647-TPB-AAS

SOUTHSTATE BANK N.A.,

Defendant.

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ORDER

Plaintiff Kevin J. Boeve moves for entry of clerk’s default against Defendant Southstate Bank N.A. (Southstate). (Doc. 15).

Federal Rule of Civil Procedure 55(a), which governs the entry of default, provides that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” However, “[d]efault is to be used sparingly,” as cases should be adjudicated on their merits. *Mitchell v. Brown & Williamson Tobacco Corp.*, 294 F.3d 1309, 1316 (11th Cir. 2002).

Mr. Boeve moved for a clerk’s default against Southstate on May 17, 2024. (Doc. 15). However, Southstate filed a motion to dismiss Mr. Boeve’s complaint on April 22, 2024. (Doc. 5). Thus, the docket demonstrates that entry

of a clerk's default is not appropriate.

Accordingly, it is **ORDERED** Mr. Boeve's motion for entry of clerk's default against Southstate (Doc. 15) is **DENIED**.

ORDERED in Tampa, Florida on May 20, 2024.



AMANDA ARNOLD SANSONE
United States Magistrate Judge