

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DIANSKY ROUZARD,

Plaintiff,

v.

CASE NO. 6:24-cv-2069-PGB-UAM

ED MORSE CADILLAC BRANDON,

Defendant.

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ORDER

THIS CAUSE is before the undersigned on Plaintiff's Application for Entry of Default ("Motion"). Doc. 15. In the Motion, Plaintiff seeks entry of a Clerk's default pursuant to Fed. R. Civ. P. 55(a). *Id.* at 1.

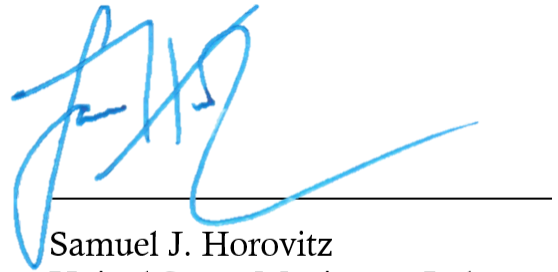
Proper service is a prerequisite to a clerk's default. *See Staley v. Health First, Inc.*, No. 6:24-cv-621-CEM-LHP, 2024 WL 2815858, at *1 (M.D. Fla. June 3, 2024). The "proof of service" upon which Plaintiff relies in the Motion indicates that Plaintiff emailed a copy of the Complaint to Defendant accompanied by a "summons" apparently prepared by Plaintiff that, among other defects, is not signed by the Clerk and does not bear the Court's seal. *See* Doc. 7; Doc. 7-1; Doc. 7-2; *see also* Doc. 15 at 1.

Plaintiff cites no authority that such constitutes proper service. *See* Fed. R. Civ. P. 4; *see also Chavez v. Grill Enterprises, LLC*, No. 20-cv-22603, 2022 WL 4244017, at *2 n.1 (S.D. Fla. Sept. 15, 2022); *Wells Fargo Bank, N.A. v. Berfa Tires Corp.*, No. 6:20-cv-

2218-WWB-GJK, 2021 WL 8895131, at *2 (M.D. Fla. May 19, 2021); *Martinez v. Deutsche Bank Nat. Tr. Co.*, No. 5:11-cv-580-Oc-10TBS, 2012 WL 140496, at *1-2 (M.D. Fla. Jan. 18, 2012).

Accordingly, the Motion (Doc. 15) is **denied without prejudice**.

DONE AND ORDERED in Jacksonville, Florida, on January 22, 2025.



Samuel J. Horovitz
United States Magistrate Judge

Copies to:

Pro Se Plaintiff