

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

CHARLES COLE,

Plaintiff,

v.

Case No: 2:16-cv-754-FtM-99MRM

HALSTED FINANCIAL SERVICES, LLC,  
SYED ALI, PRAN NAVANANDAN and  
DOE 1-5,

Defendants.

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**ORDER**

This cause comes before the Court on Plaintiff's Request for Entry of Default against Defendant Syed Ali (Doc. 35) filed on May 5, 2017. Plaintiff requests that the Court enter a default against Defendant for failure to plead or otherwise defend pursuant to Fed. R. Civ. P. 55(a). (Doc. 35 at 1). Plaintiff filed a Proof of Service (Doc. 34) and attached an Affidavit in Support (Doc. 35-1).

Pursuant to Fed. R. Civ. P. 55(a), "[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." Prior to directing the Clerk to enter a default, however, the Court must first determine whether Plaintiff properly effectuated service of process. *Chambers v. Halsted Fin. Servs., LLC*, 2:13-cv-809-FTM-38, 2014 WL 3721209, at \*1 (M.D. Fla. July 28, 2014). Plaintiff has the burden of establishing effective service of process. *See Zamperla, Inc. v. S.B.F. S.R.L*, No. 6:13-cv-1811-Orl-37KRS, 2014 WL 1400641, at \*1 (M.D. Fla. Apr. 10, 2014).

Service on an individual may be effectuated by “delivering a copy of the summons and of the complaint to the individual personally.” Fed. R. Civ. P. 4(e)(2)(A). In this instance, the Proof of Service states that Defendant was personally served with a copy of the summons. (Doc. 34 at 2). Additionally, the Affidavit in Support states that service of process was had on Defendant Syed Ali personally. (Doc. 35-1 at 1). By personally serving Defendant Syed Ali, the Court finds that service was properly effectuated. *See* Fed. R. Civ. P. 4(e)(2)(A). Additionally, Defendant has failed to file any documents in this case or otherwise defend this action as required by Fed. R. Civ. P. 55(a). Therefore, an entry of default by the Clerk of Court is appropriate against Defendant Syed Ali.

Accordingly, the Court hereby **ORDERS** that:

- 1) Plaintiff’s Request for Entry of Default against Defendant Syed Ali (Doc. 35) is **GRANTED**.
- 2) The Clerk of Court is directed to enter a default against Defendant Syed Ali.

**DONE AND ORDERED** in Fort Myers, Florida on May 24, 2017.

  
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MAC R. MCCOY  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties