

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RELIABLE MARINE TOWING AND
SALVAGE LLC, successor in interest to
Cheryl Smith,

Plaintiff,

v.

Case No: 2:17-cv-430-FtM-99CM

JOHN THOMAS and STATE FARM
FIRE AND CASUALTY COMPANY,

Defendants.

ORDER¹

This matter comes before the Court on an Order to Show Cause (Doc. 22) entered on October 16, 2017, directing Plaintiff to show cause why the case against Defendant John Thomas (Thomas) should not be dismissed for failure to prosecute due to the non-filing of a request for Clerk's Default. Plaintiff's Response (Doc. 28), and Consent to Judgment (Doc. 29) essentially indicates a settlement has been reached with Thomas; therefore, the Court expects the appropriate dismissal documents to be filed shortly. As Thomas has not yet appeared in this matter, Plaintiff may file a notice of voluntary dismissal pursuant to [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)\(i\)](#). To the extent Plaintiff

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is requesting the entry of judgment against Thomas, Plaintiff shall file an appropriate motion, including a memorandum of law, as to whether the entry of judgment against a party who has not appeared in an action is proper. The Court will take no further action on its Order to Show Cause (Doc. 22) pending Plaintiff's filing.

Accordingly, it is now

ORDERED:

Plaintiff shall file its final papers for dismissal of Defendant John Thomas on or before **November 13, 2017**.

DONE and **ORDERED** in Fort Myers, Florida this 27th day of October, 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record