

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

DAKOTA SWOPE-KREISER,

Plaintiff,

v.

Case No: 5:17-cv-235-Oc-30PRL

BLITCHTON MARATHON INC. and
ALVARO OCEJO,

Defendants.

ORDER

THIS CAUSE comes before the Court *sua sponte*. Plaintiff sued Blitchton Marathon Inc. and Alvaro Ocejo for alleged violations of the Fair Labor Standards Act (“FLSA”) and Florida’s Minimum Wage Act (“FMWA”). Ocejo, who is president of Blitchton Marathon Inc., filed a *pro se* Answer to the Complaint on June 21, 2017. The Answer does not specify whether it was filed on behalf of Ocejo and Blitchton Marathon Inc., or just Ocejo. The Answer also does not respond to the allegations in the Complaint (Ocejo appears to have skipped over section II.A. on the form answer and proceeded directly to section II.B.).

Having reviewed the Answer, the Court *sua sponte* strikes it for failing to respond to the allegations in the Complaint, pursuant to Federal Rule of Civil Procedure 12(f)(1). Ocejo may file an amended answer within forty-five (45) days of this Order that complies with Federal Rules of Civil Procedure 8 and 10.

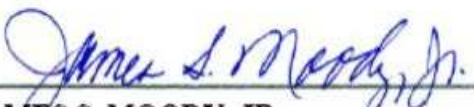
Additionally, the Court informs Ocejo that while he is able to proceed *pro se* on his behalf, Blitchton Marathon Inc. must be represented by an attorney. That is because

corporations are not permitted to appear *pro se*. *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985) (explaining that “a corporation is an artificial entity that can act only through agents, cannot appear *pro se*, and must be represented by counsel.”). As such, the Court will also give Blitchton Marathon Inc. forty-five (45) days to obtain counsel and respond to the Complaint. If Blitchton Marathon Inc. does not obtain counsel, the Court will enter a default against it.

Accordingly, it is ORDERED AND ADJUDGED that:

1. Defendant Alvaro Ocejo’s Answer (Doc. 4) is STRICKEN.
2. Defendant Alvaro Ocejo has forty-five (45) days from the date of this Order to file an amended answer or otherwise respond to the Complaint.
3. Defendant Blitchton Marathon Inc. has forty-five (45) days from the date of this Order to obtain counsel and respond to the Complaint. Failure to do so will result in the Court entering a default against Defendant Blitchton Marathon Inc.

DONE and **ORDERED** in Tampa, Florida, this 22nd day of June, 2017.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record