

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

ANGEL IRIZARRY,

Plaintiff,

v.

Case No. 8:08-cv-2272-T-30MAP

RACETRAC PETROLEUM, INC.,

Defendant.

ORDER

THIS CAUSE comes before the Court upon Defendant's Motion for Sanctions Pursuant to Rule 11 and Memorandum of Law in support (Dkt. 6). In his Complaint, Plaintiff claims to have been injured when he slipped on debris, dust and sand near the entrance to Defendant's service station. In the instant Motion, Defendant argues Plaintiff's lawsuit is frivolous and without merit and thus seeks sanctions against Plaintiff pursuant to Rule 11 of the Federal Rules of Civil Procedure.

In support of its Motion, Defendant has provided the Court with a surveillance video of what it describes as the "non-event." On the video, Plaintiff is shown slipping slightly as he enters Defendant's service station, but does not fall. Plaintiff then enters the store and exits a few minutes later. After receiving a copy of this surveillance video, Plaintiff's counsel withdrew from this case.

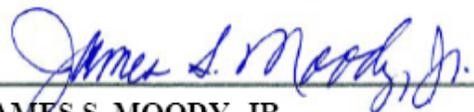
On February 16, 2008, the Court conducted a hearing on Defendant's Motion. During the hearing, Plaintiff requested additional time to retain substitute counsel. While the Court

warned Plaintiff that he could be subject to sanctions for pursuing a frivolous action, Plaintiff indicated that he wished to proceed.

Upon consideration, it is ORDERED AND ADJUDGED that:

1. The Court will defer ruling on Defendant's Motion for Sanctions pending resolution of Plaintiff's claims.
2. This action is **STAYED** for thirty days to allow Plaintiff the opportunity to retain substitute counsel. If an attorney does not appear on Plaintiff's behalf within thirty days of the date hereof, Plaintiff shall continue to proceed *pro se* in this action with a record address of: **410 Abigail Road, Plant City, Florida 33563.**

DONE and **ORDERED** in Tampa, Florida on February 18, 2009.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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