

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SUNTRUST BANK,

Plaintiff,

v.

CASE NO: 8:09-cv-735-JDW-MAP

BENJAMIN GILES,

Defendant.

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ORDER

THIS CAUSE is before the Court *sua sponte*. Plaintiff submitted an affidavit of service showing that service was effected on Benjamin Giles on April 27, 2009. (Dkt. 4). Giles did not file a response to the Complaint, and the Clerk entered a default against him. Under Local Rule 1.07(b), an action is subject to dismissal for failure to apply for a default judgment within sixty (60) days after service has been effected. On July 20, 2009, Plaintiff was ordered to file a motion for a default judgment within eleven (11) days, failing which, this action would be dismissed without further notice. (Dkt. 7). Plaintiff has not complied. Accordingly, pursuant to Local Rule 1.07(b), it is **ORDERED** that this case is **DISMISSED**. All pending motions, if any, are **DENIED** as moot. The clerk is directed to **CLOSE** this case.

DONE AND ORDERED in chambers this 4th day of August, 2009.



JAMES D. WHITTEMORE
United States District Judge

Copies to:
Counsel of Record