

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

**SLEP-TONE ENTERTAINMENT
CORPORATION,**

Plaintiff,

v.

Case No. 8:11-cv-1686-T-30EAJ

**CHRIS CONRAD, BRENDA
BREININGER, MICHAEL ANGELO
MINCIELI, MARK FLEMING, SEAN
COREY ENTERTAINMENT, LLC,
ISLAND ENTERTAINMENT LLC, DEANA
JENNINGS, JAMES ALLEN, REUBEN
JENKINS, NICHOLAS SILEO, SUSAN
BADGLEY, MONA LISA ITALIAN
RESTAURANT PIZZA AND LOUNGE, and
GIUSEPPE PIRRONE,**

Defendants.

ORDER

THIS CAUSE comes before the Court upon Plaintiff's Application for Entry of Clerk's Default against Defendant Michael Angelo Mincieli (Dkt. 79). The Court, having reviewed the motion, and being otherwise advised of the premises, concludes that the motion should be denied without prejudice.

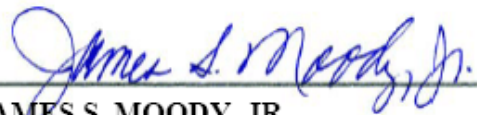
Plaintiff indicates that *pro se* Defendant Mincieli attempted to file an answer on or about July 5, 2011, but Magistrate Judge Charles J. Kahn, Jr. entered an Order directing the Clerk to send the answer back to Mincieli because the document was not properly captioned and was not in proper form under Fed. R. Civ. P. 8. (Dkt. 50).

Under these circumstances, the Court concludes that it would be inappropriate to enter a Clerk's default against Mincieli at this time, given his clear attempt to file an answer to the complaint in this case. Accordingly, the Court denies Plaintiff's motion without prejudice. The Court will provide Mincieli twenty (20) days to re-file an appropriate response. If Mincieli fails to do so within that time, Plaintiff may re-file its motion for a Clerk's default.

It is therefore ORDERED AND ADJUDGED that:

1. For the reasons set forth herein, Plaintiff's Application for Entry of Clerk's Default against Defendant Michael Angelo Mincieli (Dkt. 79) is denied without prejudice.
2. The Clerk is directed to send a copy of this Order to Defendant Michael Angelo Mincieli at his address of record.
3. **Defendant Michael Angelo Mincieli shall file a response to Plaintiff's complaint within twenty (20) days of this Order. If Mincieli fails to file a response by that time, Plaintiff may renew its application for entry of a Clerk's default.**

DONE and **ORDERED** in Tampa, Florida on December 21, 2011.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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