

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

VERNON JEWEL,

Plaintiff,

v.

Case No: 8:16-cv-2120-T-36JSS

FLORIDA DEPARTMENT OF REVENUE,
DISTRICT OF COLUMBIA and STATE
OF FLORIDA,

Defendants.

_____ /

ORDER

This matter comes before the Court upon the Plaintiff's Motion for Default Judgment (Doc. 40). In the motion, Plaintiff requests a default judgment against the State of Florida.

On March 10, 2017, the State of Florida and the Florida Department of Revenue filed a Motion to Vacate Default as to Defendants State of Florida and Florida Department of Revenue and/or Quash Service as to Defendant Florida Department of Revenue. Doc. 45. On March 28, 2017, the Magistrate Judge entered an order vacating the clerk's default against the State of Florida based on a showing of good cause, pursuant to Federal Rule of Civil Procedure 55(c). Doc. 50.

Given the State of Florida's appearance in this case and the order vacating the clerk's default against it, the Court cannot enter a default judgment against the State of Florida at this time. *See DirectTV, Inc. v. Griffin*, 290 F.Supp. 2d 1340, 1343 (M.D. Fla. 2003) (stating that a district court may enter a default judgment against a properly served defendant who fails to defend or otherwise appear pursuant to Federal Rule of Civil Procedure 55(b)).

Accordingly it is

ORDERED:

1. Plaintiff's Motion for Default Judgment (Doc. 40) is **DENIED**.

DONE AND ORDERED in Tampa, Florida on July 19, 2017.


Charlene Edwards Honeywell
United States District Judge

Copies to:
Counsel of Record and Unrepresented Parties, if any