

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JESUS DELAROSA,

Plaintiff,

v.

Case No. 8:16-cv-2989-T-33TGW

HUNTER WARFIELD, INC.,

Defendant.

_____ /

ORDER

This matter comes before the Court *sua sponte*. Defendant Hunter Warfield, Inc. was served process on October 26, 2016. (Doc. # 6). Because Hunter Warfield had not responded to the Complaint and Delarosa had not promptly applied for entry of Clerk's Default, the Court entered an order directing Delarosa to show cause why this action should not be dismissed for failure to prosecute. (Doc. # 7). Delarosa timely responded and indicated that the parties had agreed amongst themselves that Hunter Warfield could have a 14-day extension of time to respond to the Complaint. (Doc. # 8). That agreement, however, was not approved by the Court.

Nevertheless, the Court provided Hunter Warfield an extension of time; Hunter Warfield was directed to file a response to the Complaint by noon on November 28, 2016. (Doc.

9). Hunter Warfield failed to respond as directed and Delarosa applied for entry of Clerk's Default on November 29, 2016. (Doc. # 10). Clerk's default was entered against Hunter Warfield on November 30, 2016. (Doc. # 11). Hunter Warfield has not moved to set aside the entry of default.

Local Rule 1.07(b), M.D. Fla., states:

[w]hen service of process has been effected but no appearance or response is made within the time and manner provided by Rule 12, Fed. R. Civ. P., the party effecting service shall promptly apply to the Clerk for entry of default pursuant to Rule 55(a), Fed. R. Civ. P., and shall then proceed without delay to apply for a judgment pursuant to Rule 55(b), Fed. R. Civ. P., failing which the case shall be subject to dismissal sixty (60) days after such service without notice and without prejudice; provided, however, such time may be extended by order of the Court on reasonable application with good cause shown.

The Court advises Delarosa he should move forward without delay in seeking a default judgment in an effort to bring this matter toward its final resolution.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

Plaintiff Jesus Delarosa is directed to move for default judgment without delay.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 8th
day of December, 2016.

