

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ROY W. BRUCE and ALICE BRUCE,

Plaintiffs,

v.

Case No: 8:17-cv-2023-T-33JSS

ALBERTELLI LAW,

Defendant.

/

ORDER

THIS MATTER is before the Court on Plaintiffs' Renewed Motion for Clerk's Default ("Renewed Motion"). (Dkt. 21.) Plaintiffs move for entry of clerk's default under Federal Rule of Civil Procedure 55(a) for Defendant Albertelli Law's failure to plead or otherwise defend against this action. Plaintiffs' previous Motion for Entry of Clerk's Default as to Albertelli Law was denied without prejudice because Plaintiffs failed to file the process server's affidavit as proof of service upon Albertelli Law. (Dkt. 20.) In Plaintiffs' Renewed Motion, Plaintiffs attach emails from the process server stating that the Defendant was served. (Dkt. 21.) Plaintiffs also state that a "certificate of service is attached to this pleading." (Dkt. 21 at 11.) However, Plaintiffs have again failed to file the process server's affidavit required by Federal Rule of Civil Procedure 4(l)(1).¹ Fed. R. Civ. P. 4(l)(1); *see Manheim Auto. Fin. Servs., Inc. v. Info. Matrix Techs., Inc.*,

¹ All litigants are "subject to the relevant law and rules of court, including the Federal Rules of Civil Procedure," regardless of whether the litigant is represented by an attorney. *See Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989). The Local Rules for the Middle District of Florida are available on the Court's website at <http://www.flmd.uscourts.gov/LocalRules.htm>, or in the Clerk's Office. The Court's website also includes additional information about proceeding without a lawyer, available at http://www.flmd.uscourts.gov/pro_se/default.htm. Moreover, the Tampa Bay Chapter of the Federal Bar Association operates a Legal Information Program on Tuesdays from 11:00 a.m. to 12:30 p.m. on the second floor (next to the Clerk's Office) of the Sam M. Gibbons United States Courthouse, 801 North Florida Ave, Tampa, FL 33602. Through that

No. 2:12-CV-360-FTM-29, 2012 WL 3947207, at *1 (M.D. Fla. Sept. 10, 2012).

Accordingly, it is **ORDERED** that Plaintiffs' Renewed Motion for Clerk's Default (Dkt. 21) is **DENIED** without prejudice.

DONE and **ORDERED** in Tampa, Florida, on November 9, 2017.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record
Unrepresented Party

program, pro se litigants may consult with a lawyer on a limited basis for free. More information about the program is available on the Court's website at www.flmd.uscourts.gov/pro_se/docs/pro-seLegal_Assist.htm.