

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

RED MOUNTAIN BANK, N.A.,

Plaintiff,

vs.

CASE NO. 5:10-cv-104/RS/EMT

TOP SHELF STORAGE II, LLC, et al.,

Defendants.

ORDER

Plaintiff shall identify and serve the unknown person or entity in possession of 105 Estes Place within **twenty-one (21) days from the date of this order** or the court shall strike them as a party. Fed. R. Civ. P. 12(f). Florida substantive law does not permit the use of fictitious names of parties. *See Gillam v. Smart*, 809 So.2d 538 (Fla. 1st DCA 2002); *Grantham v. Blount, Inc.*, 683 So.2d 538 (Fla. 2d DCA 1966).

ORDERED on July 7, 2010.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE