UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

GOURMET CHEFS LLC and 5 STAR RESTAURANTS LLC,

Plaintiffs,

v. Case No: 6:23-cv-70-RBD-LHP

UNITED STATES SMALL BUSINESS ADMINISTRATION and ISABELLA CASILLAS GUZMAN,

Defendants

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

MOTION: MOTION FOR ENTRY OF DEFAULT (Doc. No. 10)

FILED: February 17, 2023

THEREON it is **ORDERED** that the motion is **DENIED without prejudice**.

Plaintiffs seek entry of Clerk's default against Defendants United States Small Business Administration and Isabella Casillas Guzman, sued in her official capacity as Director of the Small Business Administration. Doc. No. 10. Plaintiffs include

with the motion affidavits of service stating that Defendants were purportedly served on January 24, 2023, by serving a paralegal. Doc. Nos. 10-1, 10-2.

Upon review, the Motion (Doc. No. 10) will be **DENIED without prejudice** for failure to comply with Local Rules 1.08 and 3.01(a). Relatedly, the Motion does not adequately address whether service of process was proper. *See also* Fed. R. Civ. P. 4(i). Moreover, the motion appears to be premature. *See* Fed. R. Civ. P. 12(a)(2) ("The United States, a United States agency, or a United States officer or employee sued only in an official capacity must serve an answer to a complaint, counterclaim, or crossclaim within 60 days after service on the United States attorney.").

DONE and **ORDERED** in Orlando, Florida on February 21, 2023.

Leslie Hoffman Price

LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties