

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

v.

Case No. 8:12-cv-1421-T-35AEP

RANDOLPH KNIGHT, BRYAN DECORSO,
And JOHN DOES 7, 8, 9, 13, 17, 18, 36,
40, and 42,

Defendants.

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ORDER

THIS CAUSE comes before the Court for consideration of the Motion for Entry of Clerk's Default Pursuant to Fed.R.Civ.P.55(a) Against Defendant Randolph Knight ("Knight") filed by Plaintiff Malibu Media, LLC. (Dkt. 73) Plaintiff seeks entry of a default by the Clerk against Defendant Knight for failing to plead or otherwise defend this action. (Id.) Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure a default may be entered against a party when the party fails "to plead or otherwise defend" an action. See FED. R. CIV. P. 55 (a). An order for entry of default is within the discretion of the Court. Marschhauser v. Travelers Indemnity Co., 145 F.R.D. 605, 610 (S.D. Fla.1992).

On March 1, 2013, Defendant filed a responsive pleading, which the Court deemed timely filed. (Dkts. 76;79) Accordingly, it is hereby **ORDERED** that Plaintiff's Motion for Clerk's Default (Dkt. 73) is **DENIED**.

DONE and **ORDERED** in Tampa, Florida, this 10th day of April 2013.

Copies furnished to:
All Counsel of Record
All *Pro Se* parties