IN THE SUPREME COURT OF FLORIDA

WILLIAM H. EVANS,JR.

Petitioner

VS.

RYAN SHAPIRO,ET AL

Respondent's

Case No.SC17-1266

-(Original Action)-

MEMORANDUM OF LAW RAGARDING THE "DEFAULT" ISSUE

Part of this mandamus claim regards the request for compliance with the submitted "Default" against Defendant's in the court below.Petitioner Evans hereby submits the following memorandum as information in support of that default:

¶1) Ohio inmates do [not] have access to Florida legal resources.Evans can only find any Florida authorities by accessing what he can via the inmate LEXIS system,which is a bare minimum access.Even there,the inmate must firstly link onto [federal] case-law,then search "Florida Civil".Once he finds a Florida federal case,he then must screen that case for any possible discussion therein of a Florida [State] case;then link on to that [State] case,and search it for any discussion of Florida Civil Rules.Then find the Civil Rule,click on it,then once he gets to that specific Civil Rule,he can then click on the "Tool Box" to search all other Florida Civil Rules.As can be seen,this easily becomes a very arduous process.The inmate has only about 15 minutes of computor time given to him,then it's someone elses turn.Hence Evans's request for a courtesy copy of the Florida Civil Rules,and Constitution (which will show how Florida law is structured).

¶2) The Florida procedures are quite different from that of Ohio,and from the Federal Rules.

¶3) Pursuant to Fla.R.Civ.P. 1.500(b),only a [judge] can enter a default judgment once the Defendant has filed a document in the case.In the case below, Evans filed for default entry (and judgment),then the Defendant quickly filed a motion to dismiss.Therefore,only the [judge] of that court can properlly enter the requested default now.Evans's motion also askedfor that "judgment".

¶4) So the Defendant filed [only] a "Motion to Dismiss" (and after the default was requested).Accordingly,the "existence of Rule 1.500(C) does not supplant the requirements of Fla.R.Civ.P. 1.140 that an "answer" be filed within twenty

days from the service of summons and complaint".See,MIAMI STEEL TRADERS,INC. V. RYDER TRUCK LINES,401 So.2d 1146,1147,at 2-3 (3rd.Dist.1981).

¶5) Defendant never did file an "Answer",nor an appearance of counsel (at least Evans did not receive any appearance notice,only the motion to dismiss). And therefore,Evans submits that,consistant with Fla.R.Civ.P. 1.140,all well-pleaded allegations in the Complaint below must be deemed as "admitted" under R. 1.110(e).

Respectfully Submitted,

Aug.03,2017/ William H. Evans, Jr.

Petitioner,Pro Se

PROOF OF SERVICE

I certify that on this 03 day of August,2017,I sent a copy of the foregoing by U.S.Mail,at:JONATHON A. HELLER,14 N.E. First St.,Suite 1105,Miami, Florida 33160.

William H. Evans, Jr.

****NOTE: It could never rightly be alleged that Defendant was not given"notice" of intent to file for default,because they've clearly been served their copy of said motion,and also of the instant original action.

WILLIAM H. EVANS,JR.
#A 489-686
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