

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 19-cv-60607-BLOOM/Reid

BENJAMIN SANDERS,

Plaintiff,

v.

DOCTOR PIERSON,

Defendant.

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ORDER TO AMEND BY INTERLINEATION

THIS CAUSE is before the Court on non-party, Broward County Sheriff[’s] Response, ECF No. [44], to Magistrate Judge Lisette M. Reid’s *Sua Sponte* Order . . . to Identify Correct Name and Spelling of Defendant-Dentist, “Dr. Pierson,” ECF No. [43].

The Court assumes the reader’s familiarity with its April 10, 2020 Order, ECF No. [39], which details this case’s factual and procedural background. Briefly, on March 7, 2019, *pro se* prisoner-Plaintiff, Benjamin Sanders, initiated a section 1983 action against a “Dr. Pierson” claiming deliberate indifference to a serious medical need. *See* Compl., ECF No. [1]. Dr. Pierson failed to appear or otherwise respond to the Complaint, and on July 9, 2019, a Clerk’s Default, ECF No. [16], was entered against him. Following an evidentiary hearing on damages, *see* ECF No. [25], the Court entered a Final Default Judgment, ECF No. [26], against Dr. Pierson, awarding Plaintiff \$14,000.00 in damages. Thereafter, on December 26, 2019, Plaintiff requested and obtained a Writ of Execution, ECF No. [36], as to Dr. Pierson.

On April 9, 2020, Plaintiff filed a Motion to Strike Writ of Execution and Issue New Writ of Execution, ECF No. [38], asserting he discovered Dr. Pierson’s real name is Glenn Anthony

Pearson, and requesting the Court strike the previously issued Writ and issue a new proposed writ as to Dr. Pearson. *See id.* 1. The Court entered an Order, ECF No. [39], granting the Motion in part, quashing the Writ, and stating “in order to obtain a new writ of execution, Plaintiff must demonstrate that Dr. Glenn Anthony Pearson is the ‘Dr. Pierson’ who was served with process, and against whom Plaintiff obtained a default and default judgment.” *Id.* 2.

On June 23, 2020, the Magistrate Judge Lisette M. Reid entered an Order, ECF No. [43] directing non-party, Broward County Sheriff, to “provide a notice with this court identifying the correct name and spelling of the dentist working at the Broward County Main Jail in January and February 2019 who treated Plaintiff, Benjamin Sanders, and who accepted service of process, representing himself as ‘Dr. Pierson,’ on May 29, 2019.” *Id.* 3. In the Response presently before the Court, Gregory Tony, Sheriff of Broward County, Florida states:

1. Plaintiff was treated by dentist Dr. Glenn Pearson between January and February 2019.
2. The correct spelling of the dentist’s name is Dr. Glenn Pearson.
3. The Dentist is in the Well Path employee directory listed below:

Pearson, Glenn	FL BSO Main Jail-0406	Dentist-0406	Regular Time	Full
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Id. 1.

“Subject to the discretion of the court, and in the absence of a statute or rule of court providing otherwise, amendment by interlineation is considered permissible, particularly in the case of an amendment of a trivial or formal nature.” 71 C.J.S. Pleading § 437 (2011); *see also Woodburn v. State of Fla. Dep’t of Children & Family Serv’s*, 854 F.Supp.2d 1184, 1210 (S.D. Fla. 2011) (permitting amendment by interlineation of complaint in child negligence action to correct name of child’s next friend).

Having assured itself that the “Dr. Pierson” served on May 29, 2019, and Dr. Glenn Pearson

are one and the same, it is

ORDERED AND ADJUGED as follows:

1. The Complaint, **ECF No. [1]**, Clerk's Default, **ECF No. [16]**, and Final Default Judgment, **ECF No. [26]** are **AMENED BY INTERLINATION** to correct the spelling of Defendant's name to reflect the name: Dr. Glenn Pearson.
2. Because the previously issued Writ, **ECF No. [36]**, was quashed by the Court's April 10, 2020 Order, **ECF No. [39]**, Plaintiff shall submit an amended proposed writ of execution reflecting the correct spelling of Defendant's name for issuance by the Clerk of the Court.
3. Plaintiff may use the same form attached as Exhibit A to the Court's December 12, 2019 Order Requiring Submission of Proposed Writ of Execution, **ECF No. [34]**.
4. By separate order, the U.S. Marshal shall be directed to serve a copy of this order on Dr. Glenn Pearson.

DONE AND ORDERED in Chambers at Miami, Florida, on July 10, 2020.

A handwritten signature in black ink, appearing to be 'JB' with a long horizontal stroke extending to the right.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Benjamin Sanders, *pro se*
L71796
Tomoka Correctional Institution
Inmate Mail/Parcels
3950 Tiger Bay Road
Daytona Beach, FL 32124

Dr. Glenn Pearson
Broward County Sheriff's Office

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