

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

SHERMYKAEL JENKINS, SR. ,

Plaintiff,

V.

Case No: 2:09-CV-513-FtM-UA-SPC

**ERIN CAMPBELL, DALLAS
SMART, K-9 CHASE, FORT MYERS
POLICE DEPARTMENT and
SHAUN NENADAL**

Defendants.

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ORDER

This matter comes before the Court on the Plaintiff, Shermykael Jenkins, Sr.'s Motion to Receive Last Transaction of the Case (Doc. #57) filed on December 6, 2011. The Motion was referred to this Court on March 6, 2012.

The Plaintiff moves the Court to receive the last transaction in this case due to his being incarcerated in North Carolina but now he has returned to the Lee County, Florida Jail. On February 9, 2012, this Court granted the same Motion filed by the Plaintiff. (Doc. # 55). In that Order the Court stated:

To the extent the Plaintiff is asking for the status of this case, the Court will Grant the Motion. On July 12, 2011, the Honorable Charlene Edwards Honeywell granted the Defendants' Motion to Dismiss the Amended Complaint with prejudice as to the Fifth Amendment violation, and without prejudice as to the Fourteenth Amendment violation. Judge Honeywell directed the Plaintiff to file his Second Amended Complaint in accordance with her directives within twenty-one (21) days from the date of the Order (Doc. #51). Judge Honeywell further indicated in her Order that failure of the Plaintiff to file a Second Amended Complaint within the

time specified would result in dismissal of the action without further notice. No Second Amended Complaint was filed. On August 9, 2011, the District Court entered an Order (Doc. #52) dismissing the without prejudice, terminated all motions and deadlines, entered judgment accordingly, and closed the case.

(Doc. # 55,pp.1-2). The Court then sent the Plaintiff a copy of the Court's last order to his last known address at the Lee County Jail on Ortiz Avenue in Fort Myers, Florida. According to the Court's docket sheet and the Plaintiff's return address on his envelope, he is still incarcerated in the Lee County Jail. As such, the relief requested in the instant Motion has already been granted and therefore, the Motion is moot.

Accordingly, it is now

ORDERED:

The Plaintiff, Shermykael Jenkins, Sr.'s Motion to Receive Last Transaction of the Case (Doc. #57) is **DENIED** as moot.

DONE and ORDERED in Fort Myers, Florida this 6th Day of March, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record