

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DREW C. HARTLEY,

Petitioner,

v.

CASE NO. 6:13-cv-1962-Orl-37TBS

SECRETARY, DEPARTMENT
OF CORRECTIONS, et al.,

Respondents.

_____ /

ORDER

Respondents have filed a motion to dismiss (Doc. 9). Petitioner will be provided with an opportunity to file a response to the motion. Petitioner should not depend upon the mere allegations in his pleadings to counter the motion. Petitioner should respond with legal authorities and counter sworn affidavits and/or documents to set forth specific facts showing that there is a genuine issue of law and/or material fact in dispute. If Petitioner fails to respond to the motion or responds, but the response does not demonstrate that there is a genuine issue, the Court may declare that the facts in the affidavits and/or documents supporting the motion are established as true and that there is no genuine issue in dispute. In that event, if the applicable law allows, Respondents will be entitled to have the case dismissed and final judgment entered in their favor based upon the pleadings, affidavits, and other documentation. In that event, there will be no evidentiary hearing, and the case will be terminated in this Court.

Petitioner shall have **THIRTY (30) DAYS** from the date of this order to reply to the motion. Thereafter, the motion will be taken under advisement by the Court and an order entered thereon without further notice.

DONE AND ORDERED in Orlando, Florida, this 28th day of May, 2014.



THOMAS B. SMITH
United States Magistrate Judge

Copies to:
OrIP-2 5/28
Drew C. Hartley
Counsel of Record