

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

JOSEPH ALBERT GANDOLFF,

Plaintiff,

v.

CASE NO. 1:06-cv-00108-MP-AK

BY THE PLANET, INC.,

Defendant.

ORDER

This matter is before the Court on Doc. 68, a letter to the Court from the plaintiff, Joseph Albert Gandolff. Currently, this case is on appeal before the Eleventh Circuit Court of Appeals. On December 12, 2008, the Court entered an order (Doc. 62) denying Plaintiff's motion to proceed *in forma pauperis* on appeal. In the order, the Court noted that Plaintiff's civil contempt motion (Doc. 33) was still pending and that the Court had entered no other final or interlocutory order that could be appealed. Therefore, Plaintiff's appeal could not succeed as a matter of law. Several months later, the still-pending motion came to the attention of the Clerk's office, and the motion was terminated on the assumption that it had been resolved, as evidenced by the appeal.

In his letter, Plaintiff asks that the Court clarify whether the motion is still pending as stated in the order denying Plaintiff's motion to proceed *in forma pauperis* on appeal. Because the Court has made no ruling on that motion, the termination of that motion was in error. Accordingly, the Clerk is directed to reinstate the civil contempt motion (Doc. 33) and forward

to the Eleventh Circuit Court of Appeals a copy of this order and an updated docket sheet.

DONE AND ORDERED this 28th day of April, 2009

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge