

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

SIDNEY MARTS,
Petitioner,

vs.

Case No. 3:08cv250/RV/EMT

WALTER A. McNEIL,
Respondent.

ORDER

This cause is before the court on Respondent's motion to dismiss this habeas action because Petitioner failed to exhaust state court remedies (Doc. 43). Petitioner shall now be required to respond to Respondent's motion.

Accordingly, it is **ORDERED**:

Within **THIRTY (30) DAYS** from the date of docketing of this order, Petitioner shall file a response to Respondent's motion to dismiss. Failure to comply with this order may result in dismissal of this action.

DONE AND ORDERED this 21st day of January 2009.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE