

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

TONY RAY HANSEN,  
Plaintiff,

vs.

Case No. 3:08cv542/MCR/EMT

STATE OF FLORIDA, et al,  
Defendants.

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**ORDER**

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Previously, the court granted Plaintiff leave to proceed in forma pauperis (Doc. 8), and Plaintiff paid an initial partial filing fee of \$12.00 (Doc. 8).<sup>1</sup> Plaintiff's complaint now awaits initial screening by the court as required by 28 U.S.C. § 1915A.

There has been no activity in this case, either by Plaintiff or the court, since February 2, 2009 (*see* Docs. 15 and 19). Regrettably, there is a possibility that further delays may continue into the near future due to the large volume of prisoner civil rights cases, habeas actions, and other matters that are currently pending the court's review. Plaintiff therefore shall be required to confirm his continued interest in this litigation. Should Plaintiff elect not to pursue this lawsuit, he is entitled to file a motion for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1). Plaintiff is advised that his failure to timely respond to this order may result in a recommendation that this action be dismissed for failure to comply with an order of the court.

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<sup>1</sup> On February 2, 2009, Plaintiff paid the filing fee in full. Nevertheless, 28 U.S.C. § 1915 "is to be applied to a prisoner action regardless of any filing fee, or any portion thereof, that may have been paid . . ." Looney v. Hetzel, 2001 WL 395153, at \*1 (S.D. Ala. 2001) (internal quotation marks and citations omitted).

Accordingly, it is **ORDERED**:

1. Within **THIRTY (30) DAYS** from the date of docketing of this order, Plaintiff shall confirm his continued interest in this litigation by filing a notice to that effect.

2. Plaintiff's failure to timely respond to this order may result in a recommendation that this action be dismissed for failure to comply with an order of the court.

**DONE AND ORDERED** this 16<sup>th</sup> day of September 2009.

*/s/ Elizabeth M. Timothy*  
**ELIZABETH M. TIMOTHY**  
**UNITED STATES MAGISTRATE JUDGE**