

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

UNITED STATES OF AMERICA

VS

Case No. 3:09cv358/WS/EMT

ROBERT W. SMITH

REFERRAL AND ORDER

Referred to Magistrate Judge Timothy on February 17, 2010

Type of Motion/Pleading: Motion For Entry of Default

Filed by: Plaintiff on 2/17/10 Document 9

() Stipulated/Consented/Joint Pleading

RESPONSES:

_____ on _____ Doc.# _____

_____ on _____ Doc.# _____

WILLIAM M. McCOOL, CLERK OF COURT

/s/ Teresa Milstead

Deputy Clerk: Teresa Milstead

ORDER

Upon consideration of the foregoing, it is **ORDERED** this 18th day of February, 2010, that:

Action on the requested relief is **DEFERRED**. The court previously granted Defendant's request, submitted pro se, for an enlargement of time until February 1, 2010, in which to respond to the first amended complaint (*see* Docs. 7, 8). The allotted time has now passed, and Defendant has not responded.

In light of Defendant's pro se status, however, the court will give him until **MARCH 1, 2010**, in which to respond to the first amended complaint. If Defendant does not plead or otherwise defend this action by such date, the clerk shall enter a default against him, following which Plaintiff may move for default judgment. *See* Fed. R. Civ. P. 55(a)(b).

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY

UNITED STATES MAGISTRATE JUDGE