

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

DOUGLAS H. LOWERY, JR.,
Plaintiff,

vs.

Case No. 3:09cv514/RV/EMT

STATE OF FLORIDA,
Defendant.

ORDER

This is a civil rights action brought pro se pursuant to 42 U.S.C. § 1983. Previously, the court granted Plaintiff leave to proceed in forma pauperis (Doc. 4). Plaintiff's complaint now awaits initial screening by the court pursuant to 28 U.S.C. § 1915.

There has been no activity in this case, either by Plaintiff or the court, since January 10, 2010 (*see* Doc. 12). Regrettably, there is a possibility that further delays may continue into the near future due to the large volume of pro se 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 will result in a recommendation that this action be dismissed for failure to comply with an order of the court.

Accordingly, it is **ORDERED**:

1. Within **TWENTY-EIGHT (28) 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 will result in a recommendation that this action be dismissed for failure to comply with an order of the court.

DONE AND ORDERED this 2nd day of November 2010.

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