

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

ROBERT EARL ROYSTER,
Plaintiff,

vs.

Case No. 3:10cv194/MCR/EMT

ESCAMBIA COUNTY SHERIFF'S OFFICE,
et al.,
Defendants.

ORDER

Plaintiff initiated this action by filing a civil rights complaint under 42 U.S.C. § 1983 (Doc. 1). By order dated June 11, 2010, the court noted that it was unclear whether Plaintiff intended to file the complaint as an original complaint in a new civil rights action or as an amended complaint in Royster v. Morgan, Case No. 3:10cv29/MCR/MD. The court therefore directed Plaintiff to clarify his intent, by filing either a notice that the complaint was intended as an amended complaint in the prior action or by paying the filing fee/seeking leave to proceed in forma pauperis in a new action.

Plaintiff has now filed an application to proceed in forma pauperis, thereby apparently signaling his intent to proceed with a new action. Before the court proceeds further with this action, however, Plaintiff shall be required to file a notice which (1) states whether he is incarcerated at Florida State Hospital as a prisoner or is confined there simply as a nonprisoner patient, and (2) verifies that he intends to initiate a new, separate action for which he must either prepay the filing fee in full or demonstrate his eligibility to proceed in forma pauperis.

Accordingly, it is **ORDERED**:

1. Within **FOURTEEN (14) DAYS** from the date of docketing of this order, Plaintiff

shall file a notice which (1) states whether he is incarcerated at Florida State Hospital as a prisoner or is confined there simply as a nonprisoner patient, and (2) verifies that he intends to initiate a new, separate action for which he must either prepay the filing fee in full or demonstrate his eligibility to proceed in forma pauperis.

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

Accordingly, it is **ORDERED**:

DONE AND ORDERED this 29th day of June 2010.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY

UNITED STATES MAGISTRATE JUDGE