

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

GERNARD CHESTNUT,

Plaintiff,

vs.

Case No. 4:11cv225-MP/WCS

**CAPT. KIMBERLY PETERSEN,
et al.,**

Defendants.

_____ /

ORDER

Plaintiff, proceeding *pro se*, submitted a sixth amended complaint, doc. 26, and it was reviewed and deemed sufficient. Plaintiff was directed to submit to the Court "seven identical copies of his sixth amended complaint for service on the Defendants." Doc. 27. That order was returned to the Court with a notation that Plaintiff "refused to sign" for the mail. Doc. 30. A report and recommendation was entered recommending dismissal for Plaintiff's failure to prosecute. Doc. 31. Plaintiff has filed a document in response which is construed as a motion for reconsideration. Doc. 32. Plaintiff states that he received the report and recommendation and asserts he did not refuse to sign for the mail. Plaintiff contends that jail officials have conspired to delay and tamper with his legal mail. Doc. 32. Plaintiff has simultaneously provided the service copies with

the motion for reconsideration. Doc. 33. Thus, the report and recommendation will be vacated and in a separate order, service will be directed on Plaintiff's behalf.

Accordingly, it is

ORDERED:

1. Plaintiff's objection, doc. 32, construed as a motion for reconsideration, is

GRANTED.

2. The report and recommendation, doc. 31, is **VACATED.**

DONE AND ORDERED on March 7, 2012.

S/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE