

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION

JEFFREY JEROME WALKER,  
Plaintiff,

vs.

5:05cv75/MD

OFFICER ROBERT POWELL,  
Defendant.

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**ORDER**

On August 13, 2008, plaintiff moved to vacate and set aside this court's dismissal of his case, as settlement had not been consummated. (Doc. 190). Subsequent filings made clear that negotiations were ongoing. The parties were directed to advise the court of the status of the possible settlement on or before September 26, 2008. (Doc. 198). However, neither party has complied with this order.

Accordingly, it is ORDERED:

Plaintiff's motion to vacate and set aside the dismissal of his case (doc. 190) is GRANTED, and the clerk is directed to re-open this case. An order setting the date, location, and other matters concerning the trial will be entered at a later date.

DONE AND ORDERED this 2<sup>nd</sup> day of October, 2008.

/s/ *Miles Davis*

**MILES DAVIS  
UNITED STATES MAGISTRATE JUDGE**