

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

JEFFREY LEE SMITH,
Plaintiff,

vs.

Case No. 5:08cv293/RH/EMT

SCOTT DUVALL, et al.,
Defendants.

ORDER

On October 28, 2008, the undersigned issued an order to show cause directing Plaintiff to show cause why this action should not be dismissed for his failure to comply with an order issued on September 22, 2008, directing him to file an amended complaint and pay the filing fee or submit a motion to proceed in forma pauperis (IFP) (Docs. 7, 8). Apparently Plaintiff had complied with the September order by filing an amended complaint and an IFP motion the day before, on October 27, 2008, but the undersigned was not notified of the filings. Therefore, the show cause order will be vacated.

Accordingly it is **ORDERED**:

The order to show caused issued by the undersigned on October 28, 2008 (Doc. 8) is hereby **VACATED**.

DONE AND ORDERED this 30th day of October 2008.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE