

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

JEFF L. SMITH,
Plaintiff,

vs.

Case No. 5:08cv293/RH/EMT

SCOTT DUVALL, et al.,
Defendants.

ORDER

This cause is before the court upon Plaintiff's Motion for Extension of Time (Doc. 34). Good cause having been shown, Petitioner's motion shall be granted.

Accordingly, it is **ORDERED**:

1. Plaintiff's motion for an extension of time (Doc. 34) is **GRANTED**.
2. The Report and Recommendation issued by the undersigned on August 5, 2009 (Doc. 32) is hereby **VACATED AND WITHDRAWN**.
3. Within **FORTY-FIVE (45) DAYS** from the date of docketing of this order, Plaintiff shall file an amended civil rights complaint, which shall be typed or clearly written, submitted on the court form, and marked "Second Amended Complaint." In the alternative, Plaintiff shall file a notice of voluntary dismissal within the same time period.
4. Failure to comply with this order may result in dismissal of this action.

DONE AND ORDERED this 21st day of August 2009.

/s/ Elizabeth M. Timothy _____

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE