

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

JOHN PAVAO,

Plaintiff,

v.

CASE NO. 5:15cv68-RH/GRJ

SGT. MILES et al.,

Defendants.

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**ORDER ON THE MOTION IN  
RESPONSE TO THE DISMISSAL**

The order of March 27, 2017, ECF No. 153, noted that the plaintiff had not filed objections to the report and recommendation and that the deadline for doing so had passed. The order accepted the report and recommendation, granted the defendants' summary-judgment motion, and directed the clerk to enter judgment for the defendants. The clerk entered judgment. ECF No. 154.

The plaintiff now has filed a motion "in response to" the dismissal. The motion asserts that prior to the dismissal, and before the extended deadline for objecting to the report and recommendation, the plaintiff delivered objections to correctional authorities for mailing. The motion asserts that another copy of the

objections was sent to the court with the motion. But no copy of any objections was enclosed with the motion. The record still includes no objections to the report and recommendation.

This order treats the motion to reconsider as a motion to alter or amend the judgment and does not rule on the motion. This leaves open the time for the plaintiff to submit a copy of the objections, if there really were any, or to submit anything further in support of the motion to reconsider. I will continue on the merits any argument the plaintiff properly tenders. But more than a year after the defendants moved for summary judgment, the plaintiff still has submitted nothing indicating the defendants are not entitled to summary judgment. If the plaintiff now submits objections or anything further, I will consider them as may be appropriate, taking into account the time of the filing.

This order does not extend any deadline or give leave to make any untimely filing. But the appeal period will run from a ruling on the deemed motion to alter or amend. *See* Fed. R. App. P. 4(a)(4)(A)(iv).

For these reasons,

IT IS ORDERED:

The plaintiff's motion, ECF No. 157, in response to the dismissal is deemed

a timely motion to alter or amend the judgment. No ruling on the motion will be entered before May 1, 2017.

SO ORDERED on April 8, 2017.

s/Robert L. Hinkle  
United States District Judge