

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

STEVEN ANTHONY MITCHELL,

Plaintiff,

v.

CASE NO. 4:08-cv-00266-MP-WCS

FIGUEROA, FORREST, LINERO, WALTER A MCNEIL, WALTER MEJIA, WALTER  
MEJIA, PERKINS, PETERS, RIVERA, TRAMAIN SEALY, TITUS, JASON TYUS, LUIS  
ZAVALETA,

Defendants.

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**ORDER**

This matter is before the Court on Doc. 105, Report and Recommendation of the Magistrate Judge, recommending that this case be transferred to the Southern District of Florida. In that Report and Recommendation, the Magistrate Judge concentrated on Plaintiff's apparent willingness to relinquish his injunctive relief claims for daily kosher meals, rather than on his injunctive relief claims for such meals only during the 8 days of passover. It appears from reading the Report and Recommendation and the objections that the Magistrate Judge thought that Plaintiff was giving up all injunctive relief claims (for both year-round kosher meals and passover-week-only kosher meals), while the Plaintiff intended to only give up his injunctive relief claims regarding year-round kosher meals on a daily basis. To ensure that this issue is decided clearly, the Report and Recommendation is rejected and this matter remanded to the

Magistrate Judge to determine whether transfer remains appropriate based on Plaintiff's clarification in his objections. The Magistrate Judge should also consider the motion at Doc. 109.

**DONE AND ORDERED** this 11th day of August, 2009

*s/Maurice M. Paul*  
Maurice M. Paul, Senior District Judge