

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 12-22958-CIV-SEITZ**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS
and FLORIDA DEPARTMENT OF CORRECTIONS,

Defendants.

ORDER DENYING MOTION TO ENFORCE

THIS MATTER is before the Court upon Non-Party James Forney's Motion to Enforce Upon Finding of Contempt by a Party [DE-628], Motion for Fee Exemption [DE-629], and Motion for Advocacy Voice [DE-630]. Mr. Forney seeks to hold Defendants in contempt for allegedly not complying with this Court's Final Judgment and Permanent Injunction. However, it appears from his papers, that Mr. Forney seeks an order requiring Defendants to serve participants in the RDP/CFO two hot meals a day and a more varied menu. These are not requirements of the Court's Permanent Injunction. Thus, the relief sought by Mr. Forney is really a modification of the Permanent Injunction. The Court's Final Judgment and Permanent Injunction are currently on appeal. Consequently, this Court lacks jurisdiction to provide the relief sought by Mr. Forney. Mr. Forney's Motion for Fee Exemption and Motion for Advocacy Voice are dependent on the Court allowing Mr. Forney's Motion to Enforce to move forward. Accordingly, it is

ORDERED that:

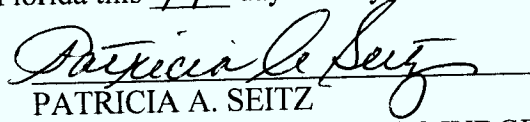
1. Non-Party James Forney's Motion to Enforce Upon Finding of Contempt by a Party [DE-628] is DENIED.

2. Non-Party James Forney's Motion for Fee Exemption [DE-629] is DENIED as moot.

3. Non-Party James Forney's Motion for Advocacy Voice [DE-630] is DENIED as

moot.

DONE and ORDERED in Miami, Florida this 17th day of May, 2016.


PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record
James Forney, #125989
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P.O. Box 1000
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