

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

DONALD FRANK SMITH,

Plaintiff,

v.

Civil Action No. 7:12-CV-23 (HL)

**DEPARTMENT OF CORRECTIONS
VALDOSTA STATE PRISON, et al.,**

Defendants.

ORDER

The United States Court of Appeals for the Eleventh Circuit has remanded this case for the limited purpose of determining when two events occurred: the date on which Plaintiff Donald Smith received notice of this Court's order of January 18, 2013 (Doc. 36) denying, *inter alia*, his Rule 60 motion and the date on which he provided his initial Rule 60 motion (Doc. 30) to prison authorities for mailing. The Court appreciates the initiative counsel for Defendants took in providing the information relating to Plaintiff's receipt of mail from January 25 to March 7, 2013, but the Eleventh Circuit's remand also directed this court to determine the date on which Plaintiff provided his initial Rule 60 motion to prison authorities for mailing. The motion contains two dates, only one of which would have been timely to toll the period for appealing the November 6 judgment.

Therefore, counsel for Defendants is directed to contact prison officials at Wilcox State Prison, or the appropriate officials with the Georgia Department of Corrections, and provide the Court with the mail log, or other relevant evidence, showing when Plaintiff delivered his Rule 60 motion to prison officials for filing. This information is to be provided to the Court on or before January 21, 2014.

SO ORDERED, this the 7th day of January, 2014.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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