

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MICHAEL LINDSEY GAMBUZZA,
etc., et al.,

CASE NO. 8:09-cv-1891-T-17TBM

Plaintiff,

v.

JAMES HIGGINBOTHAM, etc., et al.,

Defendants.

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RESPONSE TO THE COURT'S ORDER TO SHOW CAUSE

The Defendants, MAJOR JAMES HIGGINBOTHAM, LT. PARMENTER, CAPTAIN ACKLES, and SHERIFF BRAD STEUBE, solely in their official capacity, by and through their undersigned attorneys, files this their Response to the Court's Order to Show Cause, and would state as follows:

The Defendants read the Court's Order [D.E. #37] as stating that because the Plaintiffs only sought declaratory and injunctive relief in their Amended Complaint and, the inmate Plaintiffs were no longer incarcerated at the Manatee County Jail, that the Plaintiff's claims were moot. As the Defendants were not opposed to the Court's determination of mootness, the Defendants did not file a memorandum regarding this issue. The Defendants will prepare their Memorandum of Law and file it with the Court before April 1, 2011.

CERIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed a copy of the foregoing with the Clerk of the Court by using the CM/ECF system, which will forward a true and correct copy of the foregoing to: Joshua A. Glickman, Esquire, and Shawn A. Heller, Esquire, Florida Justice Institute, Inc., 3750 Miami Tower, 100 SE Second Street, Miami, Fl 33131-2309, this 29th day of March, 2011.

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By: *s/ Jason L. Scarberry*

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