

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**JOE HENRY SCOTT, III,** :

**Plaintiff,** :

**vs.** : **CIVIL ACTION 09-00679-KD-N**

**WALTER MYERS, et al,** :

**Defendants.** :

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is ADOPTED as the opinion of this court. It is ORDERED that this action be and is hereby DISMISSED without prejudice for failure to prosecute and to obey the Court's order.

**DONE and ORDERED** this March 31, 2010.

**s/ Kristi K. DuBose**  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**