

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

JOE HENRY SCOTT, III, :

Plaintiff, :

vs. : **CIVIL ACTION 09-00803-KD-N**

SGT. PHILIP B. ETHERIDGE, :

Defendant. :

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) and dated February 19, 2010, is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action is **DISMISSED** without prejudice for failure to prosecute and to obey the Court's order.

DONE and ORDERED this the 12th day of **March 2010**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE