Wells v. Dillard Doc. 7

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

| | | |
|---|---|---|
| **NICHOLS WELLS,** | : | |
| | : | |
| **Petitioner,** | : | |
| | : | |
| **vs.** | : | **CIVIL ACTION 12-0074-CG-M** |
| | : | |
| **CYNTHIA DILLARD,** | : | |
| | : | |
| **Respondent.** | : | |

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Report and Recommendation to which objection is made, 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** this 12th day of April, 2012.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE

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