

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

SHERRY DIANE PETTIS,

Plaintiff,

v.

CASE NO. 4:09cv18-RH/AK

WARDEN PAIGE AUGUSTINE,  
et al.,

Defendants.

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**ORDER DISMISSING CLAIMS AGAINST DEFENDANT AUGUSTINE**

This case is before the court on the magistrate judge's report and recommendation (document 28). No objections have been filed. Based on the defendant Paige Augustine's motion to dismiss, the plaintiff's failure to respond, and the plaintiff's failure to respond to the report and recommendation, it appears that the plaintiff wishes to abandon—that is, to voluntarily dismiss—her claims against Ms. Augustine. Accordingly,

IT IS ORDERED:

1. The report and recommendation is ACCEPTED and adopted as the court's opinion.

2. Ms. Augustine's motion to dismiss (document 26) is GRANTED. All claims against her are voluntarily dismissed without prejudice. I do *not* direct the entry of judgment under Federal Rule of Civil Procedure 54(b).

3. Ms. Augustine's motion for summary judgment (document 24) is DENIED AS MOOT.

4. The case is remanded to the magistrate judge for further proceedings.  
SO ORDERED on February 1, 2010.

s/Robert L. Hinkle  
United States District Judge