

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

ERIC REDDICK,

Plaintiff,

-vs-

Case No. 6:08-cv-1778-Orl-28DAB

**VOLUSIA COUNTY POLICE
DEPARTMENT,**

Defendant.

REPORT AND RECOMMENDATION

TO THE UNITED STATES DISTRICT COURT

This cause came on for consideration without oral argument on review of the file. On December 12, 2008, the Court ordered Plaintiff to show cause within eleven days why this case should not be dismissed and the instant matter resolved in Case No. 6:08-cv-1749-Orl-28GJK (Doc. No. 5). As of the date of this Order, Plaintiff has failed to comply. Accordingly, it is now respectfully recommended that the case be **DISMISSED** without prejudice to resolving the matter in the first filed case. Should this recommendation be adopted, the Clerk of Court should be directed to terminate all pending motions and close the case.

Failure to file written objections to the proposed findings and recommendations contained in this report within ten (10) days from the date of its filing shall bar an aggrieved party from attacking the factual findings on appeal.

Recommended in Orlando, Florida on January 9, 2009.

David A. Baker

DAVID A. BAKER
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge
Unrepresented Party
Courtroom Deputy