

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

HENRY COOPER,

Plaintiff,

v.

CASE NO. 1:08-cv-00144-MP-AK

FLORIDA DEPARTMENT OF CORRECTIONS,

Defendant.

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ORDER

This matter is before the Court on Doc. 8, Report and Recommendation of the Magistrate Judge, recommending that this case be dismissed with prejudice. Previously, the Magistrate Judge had determined that two cases were opened for the Plaintiff covering the same claims and directed Plaintiff to show cause (doc. 6) why the second one should not be dismissed as filed in error. The Plaintiff responded (doc. 7) and agreed that the second case was filed in error. The time for filing objections to the Report and Recommendation has passed, and none have been filed. The Court agrees with the Magistrate Judge that the second case was filed in error.

Accordingly, it is

ORDERED AND ADJUDGED:

This case is DISMISSED with prejudice. The financial department is directed to return any funds collected from Plaintiff relating to this cause of action. The Order directing that funds be collected (doc. 4) is hereby VACATED.

DONE AND ORDERED this 24th day of November, 2008

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge