

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

MICHAEL JAMES SPILLMAN,

Plaintiff,

vs.

CASE NO.: 1:10-cv-37-SPM-GRJ

ALACHUA COUNTY JAIL,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the court upon the Magistrate Judge's Report and Recommendation (doc. 23). Plaintiff has been mailed a copy and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). No objections have been filed. Having considered the Report and Recommendation, it is hereby ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 23) is ***adopted*** and incorporated by reference in this order.
2. The case is ***dismissed without prejudice*** for failure to prosecute.

DONE AND ORDERED this eleventh day of February, 2011.

s/ Stephan P. Mickle
Stephan P. Mickle
Chief United States District Judge