

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

MICHAEL R. KELLER,

Plaintiff,

v.

CASE NO. 1:11cv77-MP-GRJ

RUSSELL HINOTE and  
C. HOLMES,

Defendants.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated May 31, 2012. (Doc. 31). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a *de novo* determination of any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. Defendant Hinote's first motion to dismiss for failure to prosecute (doc. 26) is GRANTED. Defendant Hinote's second motion to dismiss for failure to prosecute (doc. 30) is DENIED as moot.
3. This case is DISMISSED without prejudice for failure to prosecute and for failure to obey an order of this Court.

**DONE and ORDERED** this 30th day of June, 2012.

*M. Casey Rodgers*

**M. CASEY RODGERS  
CHIEF UNITED STATES DISTRICT JUDGE**