

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

PHILIP LANDEL ODOM,
Plaintiff,

vs.

Case No.: 3:07cv267/RV/EMT

SANTA ROSA COUNTY JAIL, et al.,
Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated November 5, 2008 (Doc. 40). Plaintiff has been furnished a copy of the report and recommendation and has 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 all timely filed objections.

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

Accordingly, it is now **ORDERED** as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. Plaintiff's motion for either appointment of counsel or dismissal of this civil rights case, without prejudice (Doc. 39) is **DENIED** to the extent he seeks appointment of counsel and **GRANTED** to the extent he seeks voluntary dismissal of this action.
3. This case is **DISMISSED without prejudice**.

DONE AND ORDERED this 8th day of December, 2008.

/s/ Roger Vinson

ROGER VINSON

SENIOR UNITED STATES DISTRICT JUDGE