

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

DONALD RAFEAL McCISKILL,
Plaintiff,

vs.

Case No.: 3:08cv61/RV/EMT

OFFICER ROCKY SMITH,
Defendant.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated December 3, 2008 (Doc. 29). 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 notice of voluntary dismissal (Doc. 28) is **GRANTED** and this case is **DISMISSED without prejudice**.

DONE AND ORDERED this 6th day of January, 2009.

/s/ Roger Vinson

ROGER VINSON
SENIOR UNITED STATES DISTRICT JUDGE