

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

HARRY RICHARD LARKINS, JR.,

Plaintiff,

vs.

Case No. 3:08cv134-RV/WCS

A.J. WALSTRUP, et al.,

Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated December 2, 2008. The parties have 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 those portions to which an objection has been made.

Having considered the report and recommendation and all 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. This case is DISMISSED without prejudice.

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

Is/ Roger Vinson _____
ROGER VINSON
Senior United States District Judge