

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

JEAN ROGER DANIEL,
Plaintiff,

vs.

Case No. 3:08cv163/MCR/EMT

JAMES McDONOUGH, et al.,
Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated November 7, 2008 (Doc. 31). 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 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, 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** for Plaintiff's failure to comply with an order of the court.

DONE AND ORDERED this 9th day of December, 2008.

s/ M. Casey Rodgers

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