

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

DAVID LEE OWENS,
Plaintiff,

vs.

Case No.: 3:08cv266/MCR/EMT

STATE OF FLORIDA, et al.,
Defendants.

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ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated August 21, 2008 (Doc. 6). 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 19th day of September, 2008.

s/ M. Casey Rodgers

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