

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

PAUL E. ZAHN,
Petitioner,

vs.

Case No.: 3:08cv306/MCR/EMT

WALTER A. McNEIL,
Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated November 17, 2008 (Doc. 9). Petitioner 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 Petitioner's failure to comply with an order of the court.

DONE AND ORDERED this 17th day of December, 2008.

sl *M. Casey Rodgers*
M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE