

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

SIDNEY MARTS,  
Plaintiff,

vs.

Case No.: 3:08cv318/MCR/EMT

ESCAMBIA COUNTY, et al.,  
Defendants.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's report and recommendation dated October 20, 2008 (Doc. 21). 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. Plaintiff's notice of voluntary dismissal (doc. 20) is **GRANTED** and this case is **DISMISSED without prejudice**.

**DONE AND ORDERED** this 19th day of November, 2008.

*s/ M. Casey Rodgers*

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