

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

GUILLERMO WILLIE RODRIGUEZ,
Plaintiff,

vs.

3:08cv391/MCR/AK

WALTER MCNEAL, et al,
Defendants.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation. The Plaintiff previously 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 by the parties, 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.

3. The second amended complaint (doc. 27) is DISMISSED WITHOUT PREJUDICE and judgment shall be entered accordingly.

DONE AND ORDERED this 28th day of May, 2009.

s/ M. Casey Rodgers

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