

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

JOHNNY R. COLON,
Plaintiff,

vs.

Case No.: 3:08cv453/LAC/EMT

DAVID ELLIS, et al.,
Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated December 11, 2008 (Doc. 10). 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).

Having considered the report and recommendation, 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. 9) is **GRANTED** and this case is **DISMISSED without prejudice**.

DONE AND ORDERED this 15th day of January, 2009.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE