

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

NYKA O'CONNOR,

Plaintiff,

v.

3:08cv472-WS

M.L. CARNAHAN, et al.,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation docketed February 3, 2009. See Doc. 11. The magistrate judge recommends that the plaintiff's complaint and this case be dismissed for failure to comply with an order of the court. Despite being ordered to do so, the plaintiff has failed to pay the filing fee or, in the alternative, to submit a completed motion to proceed in forma pauperis.

The plaintiff has filed objections (doc. 12) to the magistrate judge's report and recommendation. The plaintiff contends that, because he paid a filing fee in a similar case that was filed in 2005 and dismissed without prejudice in 2006, he should not be required to pay the filing fee in this case. The plaintiff's contention is without merit.

This court having considered the record in light of the plaintiff's objections, it is
ORDERED:

1. The magistrate judge's report and recommendation (doc. 11) is hereby
ADOPTED and incorporated by reference into this order.

2. The plaintiff's complaint and this action are DISMISSED for failure to comply
with an order of the court.

3. The clerk shall enter judgment accordingly.

DONE AND ORDERED this 27th day of February, 2009.

s/ William Stafford _____
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE