

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

SIDNEY MARTS,
JOHNNIE PUTTS,
Plaintiffs,

vs.

Case No. 3:08cv504/WS/MD

WALTER A. MCNEIL, et al.,
Defendants.

REPORT AND RECOMMENDATION

This civil rights action is before the court upon referral from the Clerk. On December 3, 2008 plaintiff Sidney Marts filed a motion to voluntarily dismiss his claims (doc. 10). Pursuant to FED.R.CIV.P. 41(a)(1), the motion should be granted.

Accordingly, it is respectfully RECOMMENDED:

That plaintiff Sidney Marts' motion (doc. 10) be GRANTED, and that his claims against defendants be dismissed without prejudice.

At Pensacola, Florida, this 5th day of December, 2008.

/s/ *Miles Davis*

MILES DAVIS
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

Any objections to these proposed findings and recommendations must be filed within ten days after being served a copy thereof. Any different deadline that may appear on the electronic docket is for the court's internal use only, and does not control. A copy of objections shall be served upon all other parties. Failure to object may limit the scope of appellate review of factual findings. See 28 U.S.C. § 636; *United States v. Roberts*, 858 F.2d 698, 701 (11th Cir. 1988).