

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

SIDNEY MARTS and  
JOHNNIE PUTTS,

Plaintiffs,

v.

3:08cv504-WS

WALTER A. MCNEIL, et al.,

Defendants.

---

ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 11) docketed December 5, 2008. The magistrate judge recommends that the plaintiff, Sidney Marts, be dismissed—without prejudice—from this action pursuant to Marts's motion for voluntary dismissal. No objections to the magistrate judge's report and recommendation have been filed.

Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 11) is hereby ADOPTED and incorporated by reference into this order.
2. Marts's motion (doc. 10) for voluntary dismissal is GRANTED.
3. Marts is DISMISSED, without prejudice, as a plaintiff in this action.

DONE AND ORDERED this 5th day of January, 2009.

s/ William Stafford  
WILLIAM STAFFORD  
SENIOR UNITED STATES DISTRICT JUDGE