

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

WILLIAM PETERS,  
Plaintiff,

vs.

CASE NO.: 3:08cv551/MCR/MD

WALTER A. MCNEIL, et al.,  
Defendants.

---

**REPORT AND RECOMMENDATION**

This cause is before the court upon a complaint for violation of civil rights filed December 19, 2008 by plaintiffs Sidney Marts and William Peters (doc. 1). Plaintiff Marts filed a motion for voluntary dismissal without prejudice of his claim (doc. 6) which was granted, leaving defendant Peters as the sole plaintiff in this case. Plaintiff Peters has now filed a motion for voluntary dismissal without prejudice (doc. 9) asking for dismissal of his civil rights complaint.

Accordingly, it is respectfully RECOMMENDED:

That plaintiff Peters' notice of voluntary dismissal (doc. 9) be granted, that this case be dismissed without prejudice, and the clerk be directed to close the file.

At Pensacola, Florida, this 3<sup>rd</sup> day of February, 2009.

*/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 any objections shall be served upon any 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).