

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

WILLIAM PETERS,  
SIDNEY MARTS,  
Plaintiffs,

vs.

3:08cv551/MCR/MD

WALTER A. McNEIL, et al.  
Defendants.

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**REPORT AND RECOMMENDATION**

This cause is before the court upon the Motion for Voluntarily Dismissal without prejudice filed by plaintiff Sidney Marts. (Doc. 6). He provides no explanation for his motion, which was not signed by co-plaintiff William Peters. Nonetheless, his motion will be granted, and he will be dismissed as a plaintiff in this action. The case will remain open as to plaintiff William Peters.

Accordingly, it is respectfully RECOMMENDED:

That plaintiff's motion for voluntarily dismissal without prejudice (doc. 3) be granted and plaintiff Sidney Marts be dismissed as a plaintiff in this action, and the case remain open with respect to plaintiff William Peters.

At Pensacola, Florida, this 23<sup>rd</sup> day of January, 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 hereof. 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 (11<sup>th</sup> Cir. 1988).**