

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

SYDNEY MARTS,  
Plaintiff,

vs.

CASE NO.: 3:08cv559/MCR/MD

JOHN DOE,  
Defendant.

---

**REPORT AND RECOMMENDATION**

This cause is before the court on referral from the clerk. On December 23, 2008, plaintiff filed a civil rights complaint under 42 U.S.C. § 1983 alleging defendant's violation of his civil rights. Plaintiff has now filed a motion for voluntary dismissal (doc. 5) asking for dismissal of his civil rights complaint.

Accordingly, it is respectfully RECOMMENDED:

That plaintiff's notice of voluntary dismissal (doc. 5) be granted and that this case be dismissed without prejudice.

At Pensacola, Florida, this 28<sup>th</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 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).