

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

THOMAS O'BRYANT,
Plaintiff,

vs.

CASE NO.: 3:09cv5/LAC/MD

LARRY LEWIS,
Defendant.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated January 14, 2009. The plaintiff has been furnished a copy of the report and recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1), and I have made a de novo determination of those portions to which an objection has been made.

Having considered the report and recommendation and the objections thereto timely filed, I have determined that the report and recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. This case is dismissed without prejudice to its refiling accompanied by the payment of the full \$350.00 filing fee.

DONE AND ORDERED this 18th day of February, 2009.

s/L. A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE