

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

CURLEY ANTONIO EDLER,
Plaintiff,

vs.

3:09cv185/LAC/MD

WALTER A. MCNEIL,
Defendants.

REPORT AND RECOMMENDATION

This cause is before the court on plaintiff's petition for writ of mandamus and motion to proceed *in forma pauperis*. (Doc. 1, 2). Both of these pleadings were captioned for the Second Judicial Circuit in and for Santa Rosa County, and plaintiff cites Florida law as the basis for jurisdiction over his mandamus petition. Clearly, the pleadings were sent to the incorrect court, either by plaintiff or by someone else on his behalf.

Accordingly, it is respectfully RECOMMENDED:

That this cause be dismissed without prejudice so that plaintiff may file his petition in the intended forum.

At Pensacola, Florida, this 4th day of May, 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 objections shall be served upon all 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).