

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

SIDNEY MARTS,  
Plaintiff,

vs.

CASE NO.: 3:09cv451/MCR/MD

CHARLES HALLEY, et al.,  
Defendants.

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**REPORT AND RECOMMENDATION**

This cause is before the court upon a complaint for violation of civil rights filed October 14, 2009 by plaintiff (doc. 1). Plaintiff has now filed a notice of voluntary dismissal without prejudice (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, that this case be dismissed without prejudice, and the clerk be directed to close the file.

At Pensacola, Florida, this 2<sup>nd</sup> day of December, 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).