

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

ANTHONY FAILS,  
Plaintiff,

vs.

CASE NO.: 3:09cv525RV/MD

JOHN SIMON,  
STEVEN PETRI, and  
JUDGE NICHOLAS GEEKER,  
Defendants.

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ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated December 4, 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 all 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. The plaintiff's case is dismissed without prejudice to its refiling accompanied by the payment of the full \$350.00 filing fee.

DONE AND ORDERED this 30th day of December, 2009.

*/s/ Roger Vinson* \_\_\_\_\_

ROGER VINSON  
SENIOR UNITED STATES DISTRICT JUDGE