

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

JOHNNY JONES,
Plaintiff,

vs.

Case No.: 3:09cv540/MCR/MD

DEPARTMENT OF CORRECTIONS, et al.,
Defendants.

REPORT AND RECOMMENDATION

This cause is before the court upon referral from the clerk. On December 30, 2009 plaintiff filed a motion to voluntarily dismiss this civil rights action (doc. 5). Pursuant to FED.R.CIV.P. 41(a)(1), this action should be dismissed.

Accordingly, it is respectfully RECOMMENDED:

1. That plaintiff's motion to dismiss (doc. 5) be GRANTED.
2. That all pending motions be DENIED AS MOOT.
3. That this case be dismissed without prejudice, and the clerk be directed to close the file.

At Pensacola, Florida, this 4th day of January, 2010.

/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 fourteen 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).