

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

JOHN D. SOUTER, JR.,
Plaintiff,

vs.

Case No. 3:10cv65/MCR/EMT

WARDEN ELLIS, et al.,
Defendants.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated June 28, 2010. (Doc. 24). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of any timely filed objections.

Having considered the Report and Recommendation, and any 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. Plaintiff's motion for entry of default (doc. 21) and motion for default judgment (doc. 23) are **DENIED**.

DONE AND ORDERED this 4th day of August, 2010.

s/ M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE