

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

XAVIER TYRONE MOORE,

Petitioner,

vs.

Case No. 3:10cv236/MCR/EMT

STATE OF FLORIDA,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated September 9, 2010. (Doc. 5). Petitioner 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). 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. This case is **DISMISSED without prejudice** for Petitioner's failure to comply with an order of the court.

DONE AND ORDERED this 21st day of October, 2010.

s/ M. Casey Rodgers
M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE