

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

ANTHONY J. FAILS,
Petitioner,

v.

3:10cv403/MCR/MD

UNITED STATES,
Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated February 11, 2011. The 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), 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:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. The petitioner's motion to proceed *in forma pauperis* (doc 5.) is DENIED.
3. This case is DISMISSED WITHOUT PREJUDICE for petitioner's failure to comply with an order of the court.
4. The clerk is directed to close the file.

DONE AND ORDERED this 10th day of March, 2011.

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