

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

CURTIS MALONE,
a/k/a THE SILVER LINING,

Petitioner,

v.

Case No: 3:13mc44/MCR/CJK

UNITED STATES,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated December 11, 2013 (doc. 9). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No timely objections have been filed. Having considered the Report and Recommendation, and the record, the Court has determined that the Report and Recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 9) is adopted and incorporated by reference in this order.
2. This case is **DISMISSED WITHOUT PREJUDICE** for plaintiff's failure to comply with an order of the Court, failure to prosecute, and failure to effect timely service.

3. The Clerk is directed to close the file.

DONE AND ORDERED this 10th day of January, 2014.

M. Casey Rodgers _____

**M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE**