

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

CARLOS J. SMITH,

Plaintiff,

v.

Case No. 3:14cv245/MCR/CJK

SECRETARY OF DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

\_\_\_\_\_ /

**ORDER**

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on August 28, 2014 (doc. 9), pursuant to 28 U.S.C. § 636(b)(1)(B), and after giving the parties an opportunity to file objections, the Report and Recommendation is adopted as the order of the Court.

Accordingly it is ORDERED:

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.
3. The clerk is directed to close the file.

**DONE AND ORDERED** this 29th day of September, 2014.

*sl M. Casey Rodgers*

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