

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

RICKY SWEET,

Plaintiff,

v.

CASE NO. 4:08cv17-RH/WCS

WALTER A. McNEIL et al.,

Defendants.

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ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation (document 19). No objections have been filed. Upon consideration,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the opinion of the court. The defendant's motion for summary judgment (document 12), is GRANTED. The plaintiff's motion for summary judgment (document 15) is DENIED. The clerk must enter judgment stating, "The complaint is dismissed with prejudice." The clerk must close the file.

SO ORDERED on March 31, 2009.

s/Robert L. Hinkle
Chief United States District Judge