

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

ROY KILGO, JR.,

Plaintiff,

v.

CASE NO. 4:08cv397-RH/WCS

C.O. BILLY D. GIPSON, et al.,

Defendants.

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ORDER OF DISMISSAL

This matter is before the court on the magistrate judge's report and recommendation (document 12), to which 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 clerk must enter judgment stating, "This action is DISMISSED without prejudice." The clerk must close the file.

SO ORDERED on March 26, 2009.

s/Robert L. Hinkle

Chief United States District Judge