

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

JOSEPH GARWOOD,

Plaintiff,

vs.

Case No.: 4:08CV446-SPM/AK

WILLIAM W. WILHELM,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes for consideration upon the Magistrate Judge's Report and Recommendation. (doc. 9) The parties have been furnished a copy and have been afforded an opportunity to file objections. To date, no objections have been filed. On December 4, 2008, the Magistrate Judge issued an order instructing Plaintiff to file an amended in forma pauperis motion (doc. 8). In that order, Plaintiff was warned that failure to comply with the order may result in a recommendation of dismissal of this action.

Plaintiff failed to amend his motion as ordered. As a result, the Magistrate Judge has recommended that Plaintiff's case be dismissed without prejudice.

Accordingly, it is hereby ORDERED AND ADJUDGED 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 two court orders and failure to prosecute this case.

DONE AND ORDERED this sixth day of May, 2009.

s/ Stephan P. Mickle

Stephan P. Mickle
United States District Judge