

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

JAMES OLIVER WEED,

Plaintiff,

vs.

Case No.: 4:08cv589-SPM/WCS

EMVARERAMENT OCCASSON,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

THIS CAUSE comes for consideration upon the Magistrate Judge's Report and Recommendation. (doc. 4) The parties have been furnished a copy and have been afforded an opportunity to file objections. To date, no objections have been filed. On January 12, 2009, the Magistrate Judge issued an order instructing Plaintiff to file an amended financial affidavit and a motion seeking leave to proceed in forma pauperis (doc. 6). In that order, Plaintiff was warned that failure to comply with the order may result in a recommendation of dismissal of this action. To date, no amended affidavit has been filed. 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. 6) is **adopted** and incorporated by reference in this order.

2. This case is **dismissed without prejudice** for Plaintiff's failure to comply with a court order and failure to prosecute this case.

DONE AND ORDERED this sixth day of May, 2009.

*s/ Stephan P. Mickle*  
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Stephan P. Mickle  
United States District Judge