

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

JORGE L. NIEBLA,

Plaintiff,

v.

CASE NO. 4:09cv40-RH/WCS

FLORIDA DEPARTMENT OF  
CORRECTIONS,

Defendant.

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**ORDER OF DISMISSAL**

This case is before the court on the magistrate judge's report and recommendation (document 3). 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  
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Chief United States District Judge