

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

WILLIAM CECIL BAXTER,

Plaintiff,

v.

CASE NO.: 4:09-cv-74-SPM-WCS

CLIFFORD ADAM, et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

THIS CAUSE comes before the Court for consideration of the Magistrate Judge's Fifth Report and Recommendation (doc. 147). The Parties have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1), and I have conducted a de novo review of the sections of the report to which objections have been made. Plaintiff filed an objection (doc. 149) that his claims should not be dismissed pursuant to the Notice of Settlement (doc. 144), as Defendants had failed to make payment in compliance with the settlement agreement. As payment has now been made (docs. 150, 159), the Plaintiff's objection is moot. I find that the Report and Recommendation is correct and should be adopted.

Accordingly, it is hereby ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 147) is **adopted** and incorporated by reference into this order.
2. Plaintiff's Motion for Stipulated Dismissal (doc. 144) is granted.

3. The claims against Defendants Clark, Franklin, and Bennett-Blake are dismissed.

4. This case is remanded to the Magistrate Judge for further proceedings.

DONE AND ORDERED this third day of May, 2011.

*s/ Stephan P. Mickle*

Stephan P. Mickle  
Chief United States District Judge