

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

KENNETH LEE WEINBERG,

Plaintiff,

v.

CASE NO. 4:09cv190-RH/WCS

LIEUTENANT HARRIS,

Defendants.

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ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation, ECF No. 23. No objections have been filed. Upon consideration,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The clerk must enter judgment stating, "The complaint is dismissed without prejudice for failure to effect timely serve of process."

SO ORDERED on August 9, 2010.

s/Robert L. Hinkle
United States District Judge