

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

JORGE L. NIEBLA,

Plaintiff,

vs.

CASE NO.: 4:09-cv-372-SPM-WCS

RICHARD SMOAK, et al,

Defendants.

AMENDED* ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the court upon the Magistrate Judge's Report and Recommendation (doc. 3). Plaintiff has been furnished a copy and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). No objections have been filed. Having considered the Report and Recommendation, it is hereby ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 3) is ***adopted*** and incorporated by reference in this order.
2. The case is ***dismissed without prejudice***.
3. All pending motions are ***denied as moot***.

DONE AND ORDERED this twenty-eighth day of October, 2009.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge

*Judge's signature inadvertently left off original order