

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

GLENN WHEELER, JR.,

Petitioner,

v.

CASE NO. 4:09cv506-RH/WCS

A. L. HOSFORD et al.,

Respondents.

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ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation (document 4), as entered on February 11, 2010. The recommendation was for dismissal of the case because the petitioner failed to abide an earlier order to pay the \$5.00 filing fee or move for leave to proceed in forma pauperis.

The petitioner filed no objections to the report and recommendation. He still did not pay the fee or move for leave to proceed in forma pauperis. Neither requirement is onerous.

On March 22, 2010, I entered an order giving the petitioner one more chance. The order set a deadline of April 19, 2010, for the petitioner to pay the fee

or move for leave to proceed in forma pauperis. The plaintiff failed to act. He still has not filed objections to the report and recommendation, paid the fee, or moved for leave to proceed in forma pauperis.

Accordingly,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's further opinion. The clerk must enter judgment stating, "This case is DISMISSED without prejudice." The clerk must close the file.

SO ORDERED on May 3, 2010.

s/Robert L. Hinkle
United States District Judge