

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

DARIOUS ALX JACOBS,

Plaintiff,

vs.

CASE NO. 4:10-CV-29-SPM/WCS

TRUST FUND ADMINISTRATION, 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 Report and Recommendation (doc. 9). Plaintiff has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). Plaintiff, who is pro se, filed an objection (doc. 10). Pursuant to Title 28, United States Code, Section 636(b)(1), I have conducted a de novo review of the sections of the report to which objections have been made. I find that the Report and Recommendation is correct and should be adopted.

Plaintiff objects to the Magistrate Judge's recommendation that his case be dismissed without prejudice for failure to prosecute, as the Defendant has failed to file an amended complaint after having been ordered to do so by the Magistrate Judge (doc. 7) because the initial complaint (doc. 1) failed to state a

claim upon which relief can be granted. Rather than explaining his failure to produce an amended complaint, Plaintiff's objection consists of incomplete or incomprehensible sentences, fragments of legal jargon, statutory and case citations, and an attached irrelevant Seventh Circuit decision from 1983. As the Plaintiff has failed to explain or refute his failure to prosecute this action by the filing of a proper complaint, it is hereby ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 9) is *adopted* and incorporated by reference into this order.
2. This case is dismissed without prejudice for failure to prosecute.

DONE AND ORDERED this twenty-third day of April, 2010.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge