

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

JIMMY BRIAN SCHOBERT,

Plaintiff,

v.

CASE NO. 4:16cv564-RH/CAS

DR. A. VARONA et al.,

Defendants.

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ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation, ECF No. 11. No objections have been filed.

Although he has not filed objections, the plaintiff did file a notice of appeal, ECF No. 13, purporting to appeal an order dated February 3, 2017, dismissing the case. No order was entered on that date. And prior to this order, no order was entered dismissing the case. The report and recommendation was entered on *November 3, 2016*, but it was not an appealable order. In any event, if the plaintiff intended his notice of appeal to serve as objections to the report and recommendation under Federal Rule of Civil Procedure 72, the objections would now be overruled.

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." The clerk must close the file.

SO ORDERED on February 12, 2017.

s/Robert L. Hinkle
United States District Judge