

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

RICHARD C. TOLBERT,

Plaintiff,

v.

4:16cv705–WS/CAS

WARDEN JOHNSON, et al.,

Defendants.

ORDER OF DISMISSAL

Before the court is the magistrate judge's report and recommendation (doc. 11) docketed January 4, 2017. The magistrate judge recommends that this case be dismissed without prejudice for failure to prosecute and to comply with an order of the court.

Upon review of the record, this court has determined that the report and recommendation should be adopted.

Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 11) is adopted and incorporated by reference in this order of the court.

2. The plaintiff's complaint, and this action, are hereby DISMISSED without prejudice for failure to prosecute and to comply with an order of the court.

3. The clerk is directed to enter judgment, stating: "All claims are dismissed without prejudice."

DONE AND ORDERED this 3rd day of February, 2017.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE