

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

ANTHONY J. FAILS,

Plaintiff,

v.

4:16cv766–WS/CAS

SECRETARY, DEPARTMENT  
OF CORRECTIONS, et al.,

Defendants.

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ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 12) docketed June 30, 2017. The magistrate judge recommends that this case be dismissed without prejudice for failure to prosecute and to comply with court orders.

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 second report and recommendation (doc. 12) 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 court orders.

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

DONE AND ORDERED this 28th day of July, 2017.

s/ William Stafford  
WILLIAM STAFFORD  
SENIOR UNITED STATES DISTRICT JUDGE