

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

CHRISTOPHER DONALD McELWEE,

Petitioner,

vs.

CASE NO. 5:08cv158/RS-AK

BUREAU OF PRISONS,

Respondent.

_____ /

ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 16).

Petitioner has not filed objections.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. This case is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) because of Petitioner's failure to prosecute and to obey an order of the court.
3. The clerk is directed to close the file.

ORDERED on January 23, 2008.

/S/ Richard Smoak _____

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE