

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

MARY LUXON,
Plaintiff,

vs.

CASE NO. 5:08cv210-MCR/WCS

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration,

Defendant.

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ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation. The Plaintiff has previously been furnished a copy of the Report and Recommendation and has been afforded an opportunity to file objections. Pursuant to Title 28, United States Code, Section 636(b)(1), I have made a de novo determination of those portions to which an objection has been made.

Having considered the Report and Recommendation and all objections thereto timely filed by the parties, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. Plaintiff's complaint is hereby **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

DONE AND ORDERED this 9th day of January, 2009.

sl M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE