

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

JOSEPH MAZZA,
Plaintiff,

vs.

Case No.: 5:08cv232/MCR/EMT

WARDEN APALACHEE CORRECTIONAL
INSTITUTION,
Defendant.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated August 19, 2008 (Doc. 12). Plaintiff has 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 any timely filed objections.

Having considered the report and recommendation, and any objections thereto timely filed, 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 notice of voluntary dismissal (Doc. 11) is **GRANTED** and this case is **DISMISSED without prejudice**.

DONE AND ORDERED this 18th day of September, 2008.

s/ M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE