

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

JORGE L. NIEBLA,

Plaintiff,

vs.

CASE NO. 5:08cv281/RS-MD

WENDEL WHITEHURST,

Defendant.

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**ORDER**

Before me are the Magistrate Judge's Report and Recommendation (Doc. 4) and Plaintiff's Motion To Object (Doc. 5). I have considered Plaintiff's objections *de novo*.

**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. Refiling shall be accompanied by the payment of the full \$350.00 filing fee.
3. The clerk is directed to close the file.

**ORDERED** on September 22, 2008.

/S/ Richard Smoak

**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**