

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

KENNETH SHIRAH, SR.,

Petitioner,

vs.

CASE NO. 5:08cv309/RS-MD

BILL MCCOLLUM,

Respondent.

\_\_\_\_\_ /

**ORDER**

Before me are the Magistrate Judge's Report and Recommendation (Doc. 13) and Petitioner's communication and response to Magistrate Judge's Report and Recommendation (Doc. 14), which shall be considered as objections. I have considered Petitioner'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 for Petitioner's failure to comply with an order of the court.
3. The clerk is directed to close the file.

**ORDERED** on January 14, 2009.

/s/ Richard Smoak \_\_\_\_\_

**RICHARD SMOAK  
UNITED STATES DISTRICT JUDGE**