

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

JORGE L. NIEBLA,

Plaintiff,

vs.

CASE NO. 5:08cv363/RS-MD

ASSISTANT WARDEN C. G. ATKINS,

Defendant.

_____ /

ORDER

Before me are the Magistrate Judge's Report and Recommendation (Doc. 4) and Plaintiff's Motion To Object (Doc. 6). 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 subject to its refiling accompanied by the payment of the full \$350.00 filing fee.

ORDERED on January 14, 2009.

/S/ Richard Smoak _____

RICHARD SMOAK
UNITED STATES DISTRICT JUDGE