

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

GILBERT RODRIQUEZ VEGA,

Plaintiff,

vs.

CASE NO. 5:09cv17/RS-EMT

APALACHEE CORRECTIONAL INSTITUTION;
CAPTAIN O'BRIEN; and CAPTAIN
CLEMMONS,

Defendants.

_____ /

ORDER

Before me is Magistrate Judge's Report and Recommendation (Doc. 17). No objections have been filed.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. Plaintiff's Motion To Stay Proceedings Or In the Alternative Dismiss Action Without Prejudice (Doc. 16), which will be construed as a notice of voluntary dismissal, is granted.
3. This case is dismissed without prejudice.
4. The clerk is directed to close the file.

ORDERED on June 5, 2009.

/S/ Richard Smoak _____

**RICHARD SMOAK
UNITED STATES DISTRICT JUDGE**

