

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

JORGE L. NIEBLA,

Plaintiff,

vs.

CASE NO. 5:09cv136/RS-MD

FLORIDA DEPARTMENT OF
CORRECTIONS,

Defendant.

_____ /

ORDER

Before me is the Magistrate Judge's Report and Recommendation

(Doc. 3). Plaintiff has not filed objections.

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 pursuant to 28 U.S.C. §1915(g).
3. The clerk is directed to close the file.

ORDERED on May 14, 2009.

/S/ Richard Smoak

RICHARD SMOAK
UNITED STATES DISTRICT JUDGE