

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

DAVID LEE GRIFFIN et al.,

Plaintiffs,

v.

CASE NO. 5:09cv178-RH/AK

STATE OF FLORIDA,

Defendant.

\_\_\_\_\_ /

**ORDER OF DISMISSAL**

This case is before the court on the magistrate judge's report and recommendation (document 11). No objections have been filed.

The recommendation is for dismissal without prejudice for failure to prosecute as required by prior orders. This order accepts the recommendation.

The initiating document in this case was not a complaint but a motion for appointment of counsel. The magistrate judge ordered the filing of a complaint. A copy of the order was mailed to each of the five plaintiffs. No complaint was filed. The magistrate judge entered a show-cause order, and a copy was mailed to each of the five plaintiffs. No response was filed. The magistrate judge entered the report

and recommendation now before the court, and a copy was mailed to each of the five plaintiffs. No objections or other response was filed.<sup>1</sup>

Dismissal without prejudice thus is appropriate. Accordingly,

IT IS ORDERED:

The report and recommendation is ACCEPTED. The clerk must enter judgment stating, “This case is DISMISSED without prejudice.” The clerk must close the file.

SO ORDERED on February 11, 2010.

s/Robert L. Hinkle  
United States District Judge

---

<sup>1</sup> That copies of the orders were mailed to each of the five plaintiffs is confirmed by the receipts that are part of the electronic docket. Each receipt says, “Notice will NOT be electronically mailed to:” followed by a list of the five plaintiffs. In this district, curiously enough, this is how the docket indicates that a hard copy of an order was mailed to a party, rather than sent electronically. I have reviewed the clerk’s internal mail log, which is not part of the docket; it similarly memorializes the sending of the notices in this case.