

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

STEVEN BAER,

Plaintiff,

v.

CASE NO.: 5:09cv222-SPM/EMT

WALTER McNEIL, Secretary,
Florida Department of Corrections,

Defendant.

_____ /

ORDER

THIS CAUSE comes before the court on the magistrate judge's report and recommendation dated December 29, 2009 (doc. 59). Plaintiff has been furnished a copy and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). No objections have been filed. Having considered the report and recommendation, I have determined that the report and recommendation should be adopted.

Accordingly, it is hereby ORDERED as follows:

1. The magistrate judge's report and recommendation (doc. 59) is adopted and incorporated by reference in this order.
2. This case has been dismissed without prejudice pursuant to

Plaintiff's Motion for Voluntary Dismissal (doc. 58) and Federal Rule of Civil Procedure 41(a)(1)(A)(I).

3. The clerk shall close this case.

DONE AND ORDERED this 31st day of January, 2011.

s/ Stephan P. Mickle _____
Stephan P. Mickle
Chief United States District Judge