

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

ESTEVAN VILLANUEVA,

Plaintiff,

vs.

CASE NO.: 5:09-cv-266-SPM/MD

WALTER MCNEIL,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the court upon the Magistrate Judge's Report and Recommendation (doc. 11). The Parties have been furnished copies and have 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, it is hereby ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 11) is ***adopted*** and incorporated by reference in this order.
2. The case is ***dismissed without prejudice***.
3. The clerk is directed to close the file.

DONE AND ORDERED this twenty-third day of July, 2010.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge