

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

KEVIN M. TAYLOR,
Plaintiff,

vs.

Case No. 5:09cv304/RS/MD

B. GORDAN, et al.,
Defendants.

ORDER

On June 17, 2010, the undersigned recommended that this civil rights action be dismissed for plaintiff's failure to comply with an order of the court. (Doc. 18). The basis for dismissal was plaintiff's failure to pay the initial partial filing fee assessed on October 9, 2009. (Doc. 6). Five days later, on June 22, 2010, the court received plaintiff's payment. (Doc. 20). Therefore, it is appropriate to vacate the Report and Recommendation and to allow the case to proceed.

Accordingly, it is ORDERED:

1. The Report and Recommendation dated June 17, 2010 (doc. 18) is hereby VACATED.
2. By separate order, the court will notify plaintiff of the results of its initial screening of his complaint (doc. 1).

At Pensacola, Florida, this 24th day of June, 2010.

/s/ *Miles Davis*

**MILES DAVIS
UNITED STATES MAGISTRATE JUDGE**