

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

KELLY WHISBY,

Plaintiff,

vs.

CASE NO. 5:10cv173/RS-MD

JOHN DOE, Lieutenant of
Marianna Federal Prison, et al,

Defendants.

_____ /

ORDER

Before me are the Magistrate Judge's Order and Report and Recommendation (Doc. 5) and Plaintiff's Motion to Reconsider The Court's Order Denying Permission To Proceed *In Forma Pauperis* (Doc. 6) which will be considered as objections. I have considered Plaintiff's objections *de novo*.

IT IS ORDERED:

1. The Magistrate Judge's Order and Report and Recommendation is adopted and incorporated in this Order.
2. This case is dismissed without prejudice to its re-filing when accompanied by the payment of the full \$350.00 filing fee.
3. The clerk is directed to close the file.

ORDERED on August 24, 2010.

/S/ Richard Smoak _____

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE