

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

KELLY WHISBY,

Plaintiff,

vs.

CASE NO. 5:10cv175/RS-EMT

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

Defendants.

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ORDER

Before me is the Magistrate Judge's Order, Report and Recommendation (Doc. 5). Plaintiff has not filed objections.

IT IS ORDERED:

1. The Magistrate Judge's Order, Report and Recommendation is adopted and incorporated in this Order.
2. Pursuant to 28 U.S.C. §1915(g), this case is dismissed without prejudice to Plaintiff's filing a new complaint which must be accompanied by payment of the \$350.00 filing fee in its entirety.
3. The clerk is directed to close the file.

ORDERED on September 17, 2010.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE