

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

BRIAN RICHARDSON,  
Plaintiff,

vs.

5:10cv245/MCR/MD

N. ROBINSON, et al.  
Defendants.

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**REPORT AND RECOMMENDATION**

This cause is before the court upon plaintiff's motion to dismiss case without prejudice. (Doc. 3). Plaintiff seeks to dismiss his case without prejudice to pursue administrative remedies, in light of the fact that his original motion for emergency relief has become moot.

Accordingly, it is respectfully RECOMMENDED:

That plaintiff's motion to dismiss case without prejudice (doc. 7) be granted and this case be dismissed without prejudice, as requested.

At Pensacola, Florida, this 13<sup>th</sup> day of October, 2010.

/s/ *Miles Davis*

**MILES DAVIS  
UNITED STATES MAGISTRATE JUDGE**

**NOTICE TO THE PARTIES**

Any objections to these proposed findings and recommendations must be filed within fourteen days after being served a copy hereof. Any different deadline that may appear on the electronic docket is for the court's internal use only, and does not control. A copy of any objections shall be served upon any other parties. Failure to object may limit the scope of appellate review of factual findings. See 28 U.S.C. § 636; *United States v. Roberts*, 858 F.2d 698, 701 (11<sup>th</sup> Cir. 1988).