

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

GARY B GILLEY,

Petitioner,

v.

CASE NO. 5:12-cv-00228-MP-CJK

KENNETH S TUCKER,

Respondent.

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated October 12, 2012. (Doc. 6). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. This case is dismissed for failure to prosecute and failure to follow orders of the Court.

DONE AND ORDERED this 18th day of December, 2012

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge