

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

**RICHARD HARRIS,**

**Plaintiff,**

**v.**

**CASE NO. 5:17cv140/MCR/CJK**

**WARDEN SMITH, et al.,**

**Defendants.**

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**ORDER**

This cause comes on for consideration of the Magistrate Judge's Report and Recommendation dated July 17, 2017. ECF No. 5. Plaintiff has been furnished a copy of the Report and Recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). After reviewing any timely objections to the Recommendation, the Court has determined that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The Magistrate Judge's Report and Recommendation, ECF No. 5, is adopted and incorporated by reference in this Order.

2. This case is DISMISSED WITHOUT PREJUDICE for plaintiff's failure to comply with an order of the court.

3. The clerk is directed to close the file.

**DONE AND ORDERED** this 21st day of August, 2017.

*s/ M. Casey Rodgers*

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**M. CASEY RODGERS**  
**CHIEF UNITED STATES DISTRICT JUDGE**