

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

DAVID KITT,

Plaintiff,

v.

CASE NO. 5:17cv258-MCR-CJK

APALACHEE CORRECTIONAL
INSTITUTION,

Defendant.

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ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated December 20, 2017. ECF No. 8. 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 now **ORDERED** as follows:

1. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. This case is **DISMISSED WITHOUT PREJUDICE** due to plaintiff's failure to prosecute and/or failure to comply with an order of the court.
3. The clerk is directed to close the file.

DONE AND ORDERED this 18th day of January 2018.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE