

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Case No. 09-20921-CIV-GRAHAM/WHITE

ARTHUR RUDICK,

Plaintiff,

vs.

DONOUGH, et al.,

Defendants.

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ORDER

**THIS CAUSE** came before the Court upon Plaintiff's Notice of Appeal, which this Court construes a Motion for Certificate of Appealability [D.E. 15].

**THE MATTER** was referred to the Honorable United States Magistrate Judge Patrick A. White on September 10, 2009 [D.E. 20]. The Magistrate Judge issued a Report [D.E. 22] finding that the application is moot because the Eleventh Circuit Court of Appeals dismissed the appeal for lack of prosecution. Thus, the Magistrate Judge recommended that Plaintiff's motion be dismissed. Plaintiff has not filed objections to the Magistrate Judge's Report.

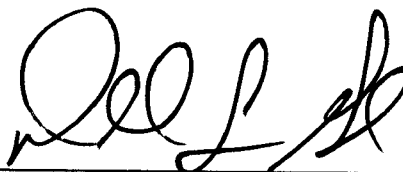
**THE COURT** has conducted an independent review of the file and is otherwise fully advised in the premises. Accordingly, it is hereby

**ORDERED AND ADJUDGED** that United States Magistrate Judge White's Report [D.E. 22] is **RATIFIED, AFFIRMED** and **APPROVED** in its

entirety. It is further

ORDERED AND ADJUDGED that Plaintiff's Notice of Appeal [D.E. 15] is DISMISSED.

DONE AND ORDERED in Chambers at Miami, Florida, this 9<sup>th</sup> day of November, 2009.



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DONALD L. GRAHAM  
UNITED STATES DISTRICT JUDGE

cc: U.S. Magistrate Judge White  
Arthur Rudick, Pro Se  
All Counsel of Record