-TQL Toenniges v. Georgia Department of Corrections Doc. 99

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

DONALD W. TOENNIGES,	:	
Plaintiff,	:	
v.	:	CASE NO.: 1:09-CV-165 (WLS)
WARDEN AMMONS, *et al.*,	:	
Defendants.	:	

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed April 20, 2011. (Doc. 97). It is recommended that the *pro se* prisoner Plaintiff's Motion to Withdraw His Claim Against Ms. Patricia Brown (Doc. 93) be granted, and that Defendant Nurse Patricia Brown be dismissed without prejudice. (Doc. 97 at 1 (citing Fed. R. Civ. P. 41(a)(2)). No objections were filed within the fourteen-day period provided pursuant to 28 U.S.C. § 636(b)(1), which objection period expired on May 9, 2011, with application of the prisoner mailbox rule. (*See* Doc. 97 at 1-2; Docket; Fed. R. Civ. P. 6(d)).

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 97) should be, and hereby is, **ACCEPTED**, **ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Plaintiff's Motion to Withdraw His Claim Against Ms. Patricia Brown (Doc. 93) is **GRANTED**, and Defendant Nurse Patricia Brown is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this 2nd day of June, 2011.

/s/ W. Louis Sands
THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT

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