

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

STEVE LEMMING,

Plaintiff

VS.

MR. SHINHOLSTER, *et al.*,

Defendants

NO. 5: 06-CV-331 (DF)

**PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE****RECOMMENDATION**

Plaintiff STEVE LEMMING filed the above-captioned case on September 22, 2006, in a complaint that named seventeen defendants but provided no allegations against *any* defendant. Plaintiff stated therein that a typed complaint would follow. Tab #1. The undersigned directed plaintiff to RECAST his complaint. Tab #8. Plaintiff has instead filed a motion to voluntarily dismiss his action *without prejudice*. Tab #9.

Since service has not yet been ordered, IT IS RECOMMENDED that plaintiff's **MOTION TO DISMISS** (Tab #9) be GRANTED and that the dismissal be *without prejudice* to his right to refile at a later time, provided he otherwise meets the requirements of law.

Pursuant to 28 U.S.C. §636(b)(1), the plaintiff may serve and file written objections to this RECOMMENDATION with the district judge to whom this case is assigned **WITHIN TEN (10) DAYS** after being served with a copy thereof.

SO ORDERED, this 25th day of OCTOBER, 2006.



A handwritten signature in blue ink that reads "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE