

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

BILLY JAMES MILES, #107844,  
Plaintiff,

Case No. 09-10220  
Hon. Anna Diggs Taylor  
Magistrate Judge Midhael Hluchaniuk

v.

CO SHEFFELD,  
Defendant.

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**ORDER ACCEPTING MAGISTRATE'S REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Michael Hluchaniuk's Report and Recommendation of August 13, 2009, dismissing Plaintiff's Complaint without prejudice for failure to prosecute and mooted Defendant's motion to dismiss.

The Court has reviewed the file and the Magistrate Judge's Report and Recommendation. No objections have been filed. The Court finds that the law cited by the Magistrate has been correctly placed and is controlling in this matter.

Therefore, the Court will accept the Magistrate's Report and Recommendation of August 13, 2009 as the findings and conclusions of this Court.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Michael Hluchaniuk's Report and Recommendation of August 13, 2009 is ACCEPTED and ADOPTED.

IT IS SO ORDERED.

DATED: October 28, 2009

s/Anna Diggs Taylor  
ANNA DIGGS TAYLOR  
UNITED STATES DISTRICT JUDGE

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on October 28, 2009.

Billy Miles, #107844  
St. Louis Correctional Facility  
8585 N. Croswell Road  
St. Louis, MI 48880

s/Johnetta M. Curry-Williams  
Case Manager