

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**KENNETH RAY GOLDSMITH**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 3:08cv638 TSL-FKB**

**MARK SHEPPARD, et al.**

**DEFENDANTS**

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**O R D E R**

This cause came on this date to be heard upon the report and recommendation of the United States magistrate judge, and the court, having fully reviewed the report and recommendation of the United States magistrate judge entered in this cause on or about April 27, 2010, and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge F. Keith Ball entered on April 27, 2010, be, and the same is hereby, adopted as the finding of this court, and the cause should be dismissed without prejudice for failure of plaintiff to prosecute. A separate judgment will be entered herein in accordance with this order as required by Rule 58 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED, this the 18<sup>th</sup> day of May, 2010.

/s/Tom S. Lee

**UNITED STATES DISTRICT JUDGE**