

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

GERMAN ROSAS MARTINEZ

PLAINTIFF

VS.

CIVIL ACTION NO. 5:08cv185-DCB-MTP

CONSTANCE REESE, ET AL.

DEFENDANTS

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court, and the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause, 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 Michael T. Parker be, and the same is hereby, adopted as the finding of this Court, and the same entire action should be dismissed without prejudice for failure to prosecute and comply with the Court's Orders pursuant to Federal Rule of Civil Procedure 41(b).

IT IS FURTHER ORDERED that all motions, including Defendants' Motion to Dismiss [15], be denied as moot.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 22nd day of December, 2008.

S/ David Bramlette  
UNITED STATES DISTRICT JUDGE