

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

BRYAN KEITH McDONALD,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-08-830-M
	)	
DAVID MILLER, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On February 18, 2009, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this action concerning plaintiff, who filed a memorandum asking the Court to dismiss the action without prejudice to refiling. The Magistrate Judge recommended that plaintiff’s motion be granted in light of agreement between the parties. The parties were advised of their right to object to the Report and Recommendation by March 10, 2009. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on February 18, 2009, and
- (2) GRANTS plaintiff’s motion to dismiss the action, and
- (3) DISMISSES the action without prejudice to the filing of a new action.

**IT IS SO ORDERED this 19<sup>th</sup> of March, 2009.**

  
 VICKI MILES-LAGRANGE  
 CHIEF UNITED STATES DISTRICT JUDGE