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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

RODNEY N. WHALEN	§	
v.	§	CIVIL ACTION NO. 6:09cv29
UNITED STATES OF AMERICA	§	

ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation recommends that the above-entitled lawsuit be dismissed without prejudice pursuant to Plaintiff's Notice of Dismissal. Fed.R.Civ.P. 41(a)(1). No written objections have been filed. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the above-entitled lawsuit is hereby **DISMISSED** without prejudice pursuant to Plaintiff's Notice of Dismissal (document #5). Fed.R.Civ.P. 41(a)(1). Any motion not previously ruled on is **DENIED**.

SIGNED this 3rd day of March, 2009.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE

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