UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

MARK RYAN,	:	
Plaintiff	:	
	:	
v.	:	**File No. 1:09-CV-147**
	:	
ANDREW PALLITO,	:	
DELORES BURROUGHS-BIRON,	:	
GREG HALE, DR. MOORE,	:	
ROY CATELLA, and JOHN/JANE DOE,	:	
Defendants	:	

ORDER

The Magistrate Judge's Report and Recommendation was filed October 6, 2009. (Paper 8.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The plaintiff's Motion to Dismiss Without Prejudice (Paper 6) is construed as a voluntary notice of dismissal pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, and the case is dismissed without prejudice. Plaintiff's Motion to Rescind Order for Filing Fee (Paper 7) is DENIED.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 27th day of October, 2009.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
Senior United States District Judge

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