

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

**FERNANDO VILLENA,**

**Plaintiff,**

**v.**

**CASE NO. 5:12-cv-286-RS-EMT**

**SERGEANT NOA, et al.,**

**Defendants.**

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**ORDER**

Before me is the Magistrate Judge's Report and Recommendation (Doc. 5). The Report and Recommendation recommends that the action be dismissed without prejudice because of Plaintiff's failure to comply with an order of the court, namely an order requiring plaintiff to file an amended complaint in English and a motion to proceed in forma pauperis. To date, Plaintiff has not complied with the order, and has not responded to the Court's October 16, 2012, order (Doc. 4) requiring him to show cause why this case should not be dismissed.

**IT IS ORDERED:**

1. This case is dismissed without prejudice for Plaintiff's failure to comply with an order of the court.
2. The Clerk is directed to close the file.

**ORDERED** on December 11, 2012.

/S/ Richard Smoak

**RICHARD SMOAK**

**UNITED STATES DISTRICT JUDGE**