

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

CLARENCE ALLEN,

Plaintiff,

v.

CASE NO.: 3:11-cv-529-J-32JRK

JUDY BELCHER, et. al.,

Defendants.

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**ORDER**

This case is before the Court on Plaintiff Clarence Allen's Complaint (Doc. 1) and Affidavit of Indigency, construed as a Motion for Leave to Proceed in Forma Pauperis (Doc. 7). Upon review of these filings, the assigned United States Magistrate judge determined that under the Prison Litigation Reform Act Plaintiff has had three or more qualifying dismissals and is not under imminent danger of serious physical injury and therefore recommended that Plaintiff's claim be dismissed (Doc. 16). Plaintiff has filed objections to the Report and Recommendation (Doc. 17). Upon independent review of the file and for the reasons stated in the Report and Recommendation issued by the Magistrate Judge (Doc. 16), the Court will overrule Plaintiff's objections, and accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

**ORDERED:**

1. The Report and Recommendation (Doc. 16) of the Magistrate Judge is **ADOPTED** as the opinion of the Court.
2. Plaintiff's Motion to Proceed in Forma Pauperis (Doc. 7) is **DENIED** pursuant

to 28 U.S.C. § 1915.

3. This case is **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1915.
4. All other pending motions are **DENIED** as moot.
5. The Clerk shall close this file.

  
TIMOTHY J. CORRIGAN  
United States District Judge

kh.  
Copies To:  
Honorable James R. Klindt  
United States Magistrate Judge

Pro Se Plaintiff