

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

DAVID JONES MCDANIEL, I,

Plaintiff,

vs.

CASE NO. 1:09-cv-220-SPM/AK

FLORIDA PAROLE COMMISSION,
et al.,

Defendant.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court for consideration of the Magistrate Judge's Report and Recommendation (doc. 4). Plaintiff has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). Plaintiff filed an objection (doc. 5). Pursuant to Title 28, United States Code, Section 636(b)(1), I have conducted a de novo review of the sections of the report to which objections have been made. I find that the Report and Recommendation is correct and should be adopted.

Plaintiff has been released from custody, and is therefore not entitled to the injunctive and other relief he seeks.

Accordingly, it is hereby ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 4) is

adopted and incorporated by reference into this order.

2. The complaint (doc. 1) is **dismissed** for failure to state a claim upon which relief may be granted.
3. The motion for leave to proceed in forma pauperis (doc. 2) is **denied**.

DONE AND ORDERED this twenty-second day of December, 2009.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge