

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

PRESTON SHANE ALLEN,

Petitioner,

v.

CASE NO. 1:13-cv-6-RS-GRJ

KENNETH S. TUCKER,

Defendant.

_____ /

ORDER

Before me are the Magistrate Judge's Report and Recommendation (Doc. 23) and Petitioner's Objections (Doc. 31). I have reviewed the objections *de novo*.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. The case is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.
3. The clerk is directed to close the file.

ORDERED on August 13, 2013.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE