

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

MICHAEL C. TIERNEY,

Plaintiff,

v.

CASE NO. 1:14-cv-80-MW/GRJ

RICK SCOTT, et al.,

Defendants.

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION**

This Court has considered the Magistrate's Report and Recommendation, ECF No.4, and has reviewed *de novo* the objections of Plaintiff, ECF No. 5. Upon consideration,

IT IS ORDERED:

Over Plaintiff's objections, the report and recommendation is **accepted and adopted** as this Court's opinion. In so ruling, this Court notes that a district court does not have to accept any and all allegations of injury as sufficient to forestall application of the three-strikes bar. This is true where there are merely vague allegations of harm. This is also true where the allegations are fantastic, delusional or rise to the level of the irrational.

The Clerk shall enter judgment stating, “Plaintiff’s leave to proceed *in forma pauperis* is **DENIED**. This case is **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1915(g), the three-strikes bar.” The Clerk shall close the file.

SO ORDERED on May 13, 2014.

s/Mark E. Walker
United States District Judge