

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

NYKA O'CONNOR,

Plaintiff,

vs.

Case No. 3:08cv357-LAC/WCS

F.D.O.C., et al.,

Defendants.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated January 13, 2009. Doc. 19. The parties have been furnished a copy of the report and recommendation and afforded an opportunity to file objections. No objections have been filed.

Having considered the report and recommendation, I have determined that the report and recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. Plaintiff's third amended complaint, doc. 18, is hereby **DISMISSED** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2).
3. The clerk shall note on the docket that this cause was dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

DONE AND ORDERED this 20th day of February, 2009.

s/L.A. Collier _____
LACEY A. COLLIER
Senior United States District Judge