

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

ANTHONY J. FAILS,

Plaintiff,

v.

Case No. 3:08cv520/MCR/MD

SHERIFF'S DEPARTMENT, et al.,

Defendants.

ORDER

This cause comes on for consideration of the Magistrate Judge's Report and Recommendation dated March 14, 2017. ECF No. 34. Plaintiff has been furnished a copy of the Report and Recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). No objections have been filed. On de novo review, the Court has determined that the Magistrate Judge's findings and recommendations are supported by the record and by proper analysis. Therefore, the Court finds that the Report and Recommendation is due to be adopted.

Accordingly, it is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation, ECF No. 34, is adopted and incorporated by reference in this order.

2. Plaintiff's motion for relief from judgment, filed under Fed. R. Civ. P. 60(b)(4), ECF No. 32, is **DENIED**.
3. The Clerk is directed to close the file.

DONE and **ORDERED** this 24th day of April, 2017.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE