

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

ANTHONY FAILS,

Plaintiff,

v.

3:08cv522-WS

DOC HEADQUARTERS, et al.,

Defendants.

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ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation docketed November 3, 2009. See Doc. 26. The magistrate judge recommends that the plaintiff's complaint and this case be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). The plaintiff has filed objections (doc. 30) to the magistrate judge's report and recommendation.

This court having considered the record in light of the plaintiff's objections, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 26) is hereby ADOPTED and incorporated by reference into this order.
2. The plaintiff's complaint and this action are DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

3. The clerk shall enter judgment accordingly, noting on the docket sheet that the case was dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

4. The plaintiff's pending motions for preliminary injunctive relief (docs. 22 & 25) are DENIED as moot.

DONE AND ORDERED this 19th day of November, 2009.

s/ William Stafford  
WILLIAM STAFFORD  
SENIOR UNITED STATES DISTRICT JUDGE