

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

SIDNEY MARTS,
Plaintiff,

vs.

CASE NO. 3:08cv537/MCR/MD

WALTER A. MCNEIL, et al.,
Defendants.

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ORDER

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on January 13, 2009, pursuant to 28 U.S.C. § 636(b)(1)(B), and after reviewing objections to the Recommendation, if any, the Recommendation is adopted as the opinion of the Court.

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. This cause is dismissed without prejudice as malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) for plaintiff's abuse of the judicial process.

DONE AND ORDERED this 28th day of January, 2009.

sl M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE