

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

ANTHONY FAILS, #201484,
Plaintiff,

vs.

Case No. 3:09cv7/LAC/EMT

PAUL McCOLLUM, et al.,
Defendants.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated February 12, 2009 (Doc. 11). 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). I have made a de novo determination of the objections filed.

Having considered the report and recommendation, and the timely filed objections thereto, 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. This cause is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as malicious.

DONE AND ORDERED this 26th day of March, 2009.

s/L.A. Collier _____

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE