

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

WILLIAM KYSER,

Plaintiff,

vs.

CASE NO.: 3:09cv56/MCR/MD

STATE OF FLORIDA,

Defendant.

_____ /

ORDER

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on February 23, 2009, pursuant to 28 U.S.C. § 636(b)(1)(B), and after reviewing objections to the Recommendation,¹ 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 under 28 U.S.C. § 1915(e)(2)(B)(ii), and the clerk is directed to close the file.

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

sl M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE

¹ The court has treated plaintiff's Notice of Appeal (doc. 5) as an objection to the Report and Recommendation. If plaintiff wishes to appeal from this order, he must file a new notice of appeal.