

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

BRANDON L. SPICER-BANKS,

Plaintiff,

v.

3:09cv425-WS

D. ELLIS, et al.,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 48) docketed March 12, 2010. The magistrate judge recommends that this case be dismissed for failure to state a claim. The plaintiff has filed no objections to the report and recommendation.

The court has reviewed the record and has determined that the magistrate judge's report and recommendation should be adopted. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 48) is hereby ADOPTED and incorporated by reference into this order.
2. The plaintiff's second amended complaint and this case are DISMISSED for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

3. The Clerk shall enter judgment accordingly.

DONE AND ORDERED this 12th day of April, 2010.

s/ William Stafford _____
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE