

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

ROBERT EARL ROYSTER,  
Plaintiff,

vs.

Case No. 3:10cv31/LAC/EMT

SHERIFF DAVID MORGAN, et al.,  
Defendants.

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**ORDER**

This cause comes on for consideration upon the magistrate judge’s Report and Recommendation dated February 2, 2011 (Doc. 42). 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 action is **DISMISSED** for failure to state a claim on which relief may be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

3. The clerk is directed to enter judgment accordingly and close the file.

**DONE AND ORDERED** this 22<sup>nd</sup> day of March, 2011.

s/L.A. Collier

**LACEY A. COLLIER**  
**SENIOR UNITED STATES DISTRICT JUDGE**