

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

MARTIN WARNER,
Plaintiff,

vs.

CASE NO.: 3:10cv46/RV/MD

DEPARTMENT OF CORRECTIONS,
et al.,
Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated July 1, 2010. The 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), and I have made a de novo determination of those portions to which an objection has been made.

Having considered the report and recommendation and all objections thereto timely filed, 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 as malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(1) for plaintiff's abuse of the judicial process.
3. All pending motions are DENIED as moot.
4. The clerk is directed to close the file.

DONE AND ORDERED this 20th day of July, 2010.

/s/ Roger Vinson

ROGER VINSON
SENIOR UNITED STATES DISTRICT JUDGE