

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

EMMETT STROMAS,

Plaintiff,

v.

3:10cv346-WS

JAMES OWENS, et al.,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 4) docketed September 14, 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. 4) is hereby ADOPTED and incorporated by reference into this order.
2. The plaintiff's complaint and this case are DISMISSED. The plaintiff's federal claims are DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The plaintiff's

state law claims are DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1367(c)(3).

3. The clerk shall enter judgment accordingly.

DONE AND ORDERED this 14th day of October, 2010.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE