

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

JEFFERY L. COLE, #990003097  
Plaintiff,

vs.

Case No. 3:10cv458/RV/EMT

MILTON CITY POLICE DEPARTMENT and  
PATRICK BURNS,  
Defendants.

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**ORDER**

This cause comes on for consideration upon the magistrate judge’s Report and Recommendation dated November 19, 2010 (Doc. 5). 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 all timely filed objections.

Having considered the Report and Recommendation, and any timely filed 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** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as malicious.

**DONE AND ORDERED** this 28th day of December, 2010.

*/s/ Roger Vinson* \_\_\_\_\_

**ROGER VINSON  
SENIOR UNITED STATES DISTRICT JUDGE**