

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

PERRY GENE VANDERFORD,  
Plaintiff,

vs.

Case No. 3:10cv491/LAC/CJK

WALTER MCNEIL, et al.,  
Defendants.

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ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated August 31, 2011. (Doc. 21). The parties have been furnished a copy of the Report and Recommendation and have 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 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 case is DISMISSED WITHOUT PREJUDICE as malicious pursuant to 28 U.S.C. § 1915(e)(3)(B)(I) for plaintiff's abuse of the judicial process.
3. All pending motions are DENIED as moot.

4. The motion for temporary restraining order (doc. 4) is DENIED.
5. The clerk is directed to close the file.

DONE AND ORDERED this 29<sup>th</sup> day of September, 2011.

*s/L.A. Collier*

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