

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

BRIAN JAMES HOOPER,

Plaintiff,

v.

Case No. 3:10cv539/MCR/CJK

ROBERT A. BEARGIE, et al.,

Defendants.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated August 31, 2011 (doc. 28). 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).¹ I have made a de novo determination of any timely filed objections.

Having considered the Report and Recommendation and any 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. The defendants' motion to dismiss (doc. 6) is GRANTED.
3. The Amended Complaint (doc. 4) is DISMISSED without prejudice for violation of the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure and for failure to state a claim upon which relief may be granted.

¹ The clerk of court mailed a copy of the Report and Recommendation to the plaintiff at the address listed in his complaint. However, it was returned as undeliverable, and the plaintiff never provided the court with a change of address.

4. The clerk is directed to close the file.

DONE AND ORDERED this 30th day of September, 2011.

*s/ M. Casey Rodgers*_____

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE