

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

TIMOTHY BERNARD SHEPPARD,

Plaintiff,

v.

3:11cv104-WS

MARY M. JOHNSON, THE CLERK  
OF COURT, SANTA ROSA COUNTY,

Defendant.

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ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 17) docketed October 14, 2011. The magistrate judge recommends that the defendants' motion to dismiss be granted. The plaintiff has filed no objections to the report and recommendation.

Having reviewed the record, the court finds that the magistrate judge's report and recommendation should be adopted. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 17) is ADOPTED and incorporated by reference into this order.
2. The defendants' motion to dismiss (doc. 13) is GRANTED.
3. The plaintiff's federal claims are DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted.

4. The plaintiff's state law claims are DISMISSED WITHOUT PREJUDICE to the plaintiff filing them in the appropriate state court.

5. The clerk shall enter judgment stating: "Plaintiff's federal claims are dismissed with prejudice. Plaintiff's state law claims are dismissed without prejudice."

DONE AND ORDERED this 15th day of November, 2011.

s/ William Stafford  
WILLIAM STAFFORD  
SENIOR UNITED STATES DISTRICT JUDGE