

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

JAMES M. MANNING, JR.,
Plaintiff,

v.

Case No. 3:11cv162/MCR/CJK

RANDY JONES,
Defendant.

ORDER

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on February 29, 2012, pursuant to 28 U.S.C. § 636(b)(1)(B), and after giving the parties an opportunity to file objections, the Recommendation is adopted as the opinion of the Court.

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 plaintiff's federal claim(s) is DISMISSED WITH PREJUDICE under 28 U.S.C. § 1915(e)(2)(B)(ii), for plaintiff's failure to state a claim upon which relief may be granted.
3. The plaintiff's state law claim is DISMISSED WITHOUT PREJUDICE to plaintiff filing it in the appropriate state court.

4. The clerk is directed to close the file.

DONE AND ORDERED this 31st day of March, 2012.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE