

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

WAYNE M. BEATON,  
Plaintiff,

vs.

Case No. 3:11cv411/LAC/CJK

M.T. BLUE, et al.,  
Defendants.

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ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated October 13, 2011. (Doc. 7). 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 cause is DISMISSED WITHOUT PREJUDICE as malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) for plaintiff's abuse of the judicial process.

3. All pending motions are DENIED as moot.
4. The clerk is directed to close the file.

DONE AND ORDERED this 26<sup>th</sup> day of October, 2011.

*s/L.A. Collier*

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