

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

TIMOTHY ALAN CONNELL
ANTHONY DALE EVANS
EUGENE SHAKUR HALL
KENNETH TOMBERLIN WILDBURGER,
Plaintiffs,

vs.

Case No. 3:11cv470/LAC/CJK

KEN TUCKER, et al.,
Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated October 5, 2011. (Doc. 3). 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. Class certification is DENIED and plaintiffs' complaint is DISMISSED WITHOUT PREJUDICE.

3. Plaintiff Anthony Dale Evans' Motion for Leave to Proceed In Forma Pauperis (Doc. 4) and Plaintiff Timothy Alan Connell's Motion to Appoint Counsel (Doc. 5) are DENIED without prejudice in light of the instant Order.

4. The clerk is directed to close the file.

ORDERED on this 8th day of November, 2011.

s/L.A. Collier

Lacey A. Collier
Senior United States District Judge