

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

ANTHONY D. EVANS,
Plaintiff,

vs.

Case No. 3:11cv505/LAC/CJK

FLORIDA DEPARTMENT
OF CORRECTIONS,
Defendant.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated November 2, 2011. (Doc. 5). 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). Plaintiff filed no objections but did file an amendment to the complaint (doc.6) which does not affect the magistrate judge's Report and Recommendation nor the outcome of this case.

Thus, having considered the Report and Recommendation, 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, and as seeking monetary relief against a defendant immune from such relief, pursuant to 28 U.S.C. § 1915(e)(2)(B)(iii).

3. The clerk is directed to close the file.

DONE AND ORDERED this 6th day of December, 2011.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE