

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

DONALD RICHARD BURNS,
#R33752
Plaintiff,

vs.

Case No.: 3:11cv584/RV/EMT

WARDEN R. BURCH, ASST. WARDEN
R. TIFFT, CSO S. FENNIMORE, and
E. STINE,
Defendants.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated October 4, 2012 (doc. 32). Plaintiff has been furnished a copy of the Report and Recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). No objections have been filed.

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** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

DONE AND ORDERED this 7th day of November, 2012.

/s/ Roger Vinson _____

ROGER VINSON
SENIOR UNITED STATES DISTRICT JUDGE