

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

DEMETRIC C. MARINE,

Plaintiff,

vs.

Case No. 3:12cv92/RV/CJK

JAMIE L. BURCH, et al.,

Defendants.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated August 14, 2013 (doc. 40). 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). 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 (doc. 40) is adopted and incorporated by reference in this order.

2. This case is DISMISSED WITHOUT PREJUDICE under 28 U.S.C. § 1915(e)(2)(B)(ii), for plaintiff's failure to state a claim upon which relief can be granted.

3. The clerk is directed to close the file.

DONE AND ORDERED this 12th day of September, 2013.

/s/ Roger Vinson _____

ROGER VINSON

SENIOR UNITED STATES DISTRICT JUDGE