

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

TOMMY LEE BENTON,
Inmate #661443,
Plaintiff,

vs.

Case No.: 3:12cv101/LAC/EMT

G. WELLHAUSEN, et al.,
Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated March 20, 2012 (doc. 4). 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). 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. Pursuant to 28 U.S.C. § 1915(g), this cause is **DISMISSED WITHOUT PREJUDICE** to Plaintiff's initiating a new cause of action accompanied by payment of the \$350.00 filing fee in its entirety.

3. The clerk is directed to enter judgment accordingly and close the file.

DONE AND ORDERED this 6th day of April, 2012.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE