

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

KEITH J. POWELL,

Plaintiff,

v.

Case No.: 3:12cv189/MCR/EMT

KENNETH TUCKER, et al.,

Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated April 30, 2012 (doc. 6). 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 the plaintiff's objections, which the court deems timely filed.

Having considered the Report and Recommendation, as well as the plaintiff's objections, 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. All other pending motions are **DENIED** as moot.

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

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

sl M. Casey Rodgers

**M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE**