

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

CARLOS RUIZ, Inmate #086219,

Plaintiff,

v.

Case No.: 3:12cv240/MCR/EMT

CORRECTIONAL OFFICER OSTEEN,
et al.,

Defendants.

ORDER

Pending before the Court is the magistrate judge's Report and Recommendation dated October 4, 2013. (Doc. 196). 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). The Court has made a *de novo* determination of any timely filed objections (see docs. 197, 199). Having fully considered the matter, the Court concludes 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 action is **DISMISSED WITHOUT PREJUDICE** as malicious and abusive of the judicial process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).
3. All pending motions are **DENIED as moot**.
4. All deficient documents shall be returned to Plaintiff without filing.
5. The clerk is directed to close this file.

DONE AND ORDERED this 7th day of November, 2013.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE