

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

MICHAEL ROBERT KUZMINSKI,
Plaintiff,

vs.

Case No. 3:12cv273/LAC/EMT

MR. HICKS,
Defendant.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated December 13, 2012 (doc. 22). 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 objections filed, as well as the motion to amend the complaint (doc. 24) and the Third Amended Complaint (doc. 25), which I have considered within the context of my review of the Report and Recommendation.

Having considered the Report and Recommendation, the timely filed objections thereto, and the proposed amended complaint, 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 case is **DISMISSED with prejudice**, pursuant to 28 U.S.C. § 1915(e)(2)(B) (ii), for Plaintiff's failure to state a claim upon which relief may be granted.

3. The motion to amend the complaint (doc. 24) is **DENIED** as moot.

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

DONE AND ORDERED this 8th day of January, 2013.

s/L.A. Collier

LACEY A. COLLIER

SENIOR UNITED STATES DISTRICT JUDGE