

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

KEVIN OWENS,
Plaintiff,

vs.

Case No. 3:12cv312/LAC/EMT

CAPTAIN SCHWARTZ, et al.,
Defendants.

O R D E R

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated August 7, 2012 (doc. 9). 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).

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 is adopted and incorporated by reference in this order.

2. That 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. Plaintiff's Motion for Dismissal (doc. 10) and Motion for Leave to Proceed In Forma Pauperis (doc. 11) are denied as moot.

4. All other pending motions are denied.

DONE AND ORDERED this 15th day of August, 2012.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE