

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

MARTIN BURTON SCHMOLDT, III

Plaintiff,

v.

Case No. 3:12cv544/LC/CJK

WALTER JEFFERIS, et al.,

Defendants.

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ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated May 19, 2014 (doc. 32). 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 timely filed objections.

Having considered the Report and Recommendation and the objections thereto timely filed, 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. Plaintiff's claims are **DISMISSED WITH PREJUDICE** under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.
3. The clerk is directed to close the file.

**DONE and ORDERED** on this 4th day of June, 2014.

*s/L.A. Collier*

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Lacey A. Collier  
Senior United States District Judge