

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

NYKA O'CONNOR,
Inmate No. 199579,
Plaintiff,

vs.

Case No. 3:13cv179/LAC/EMT

WALTER McNEIL,
Defendant.

_____/

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated June 17, 2013 (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). I have made a de novo determination of the objections filed.

Having considered the Report and Recommendation, and the timely filed objections thereto, 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 filing fee in its entirety at the time he initiates the new case.
3. The clerk of court is directed to return the filing fee to Plaintiff if and when it is received from the Middle District.

DONE AND ORDERED this 27th day of June, 2013.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE