

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

ROBERT MICHAEL ARDIS,
Plaintiff,

v.

Case No.: 3:13cv366/MCR/EMT

LAURA DANHEISSER, et al.,
Defendants.

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated January 6, 2014 (doc. 41). 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 doc. 43). Having considered the Report and Recommendation and the timely filed objections, the Court has determined that the Report and Recommendation should be adopted.

Also pending is Plaintiff's Motion to Strike the Report and Recommendation (doc. 44), arguing that consent was not given for a referral to the Magistrate Judge. The motion will be denied. This case was not referred to the Magistrate Judge for final disposition pursuant to 28 U.S.C. § 636(c), but for a recommendation under § 636(b), to which the parties have a right to object and receive the District Court Judge's *de novo* review, pursuant to this Court's operating procedures. See N.D. Fla. Loc. R. 72.2(E).

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 federal claims against all Defendants are **DISMISSED with prejudice**, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), (iii).
3. Any state law claims are **DISMISSED without prejudice**.
4. The Motion to Strike the Report and Recommendation of the Magistrate Judge (doc. 44) is **DENIED**.
5. The Clerk of Court is directed to enter judgment accordingly and close the

case.

DONE AND ORDERED this 10th day of January, 2014.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE