

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

JOHNNY WELCH,

Plaintiff,

v.

Case No. 3:13cv430/LC/CJK

WALTON CORRECTIONAL  
INSTITUTION,

Defendant.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated November 22, 2013 (doc. 6). 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. This case is DISMISSED WITHOUT PREJUDICE as malicious under 28 U.S.C. §1915(e)(2)(B)(i) for plaintiff's abuse of the judicial process.
3. The Clerk is directed to close the file.

**DONE AND ORDERED** this 9<sup>th</sup> day of December, 2013.

*s/L.A. Collier*

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**LACEY A. COLLIER**  
**SENIOR UNITED STATES DISTRICT JUDGE**