

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

TYRONE L. SMITH,

Plaintiff,

v.

Case No. 3:15cv97/LC/CJK

**SERGEANT BERCH,
Transport Sergeant,**

Defendant.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated March 23, 2015 (doc. 4). 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). No objections have been filed.

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. Plaintiff's motion to proceed *in forma pauperis* (doc. 2) is GRANTED for the limited purpose of dismissing this action.

3. 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.

4. The Clerk is directed to close the file.

DONE AND ORDERED this 28th day of April, 2015.

s/L.A. Collier _____

LACEY A. COLLIER

SENIOR UNITED STATES DISTRICT JUDGE