

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

DOUGLAS TARON EDWARDS,
Inmate #102348,
Plaintiff,

vs.

Case No. 3:15cv116/LAC/EMT

KENNETH L. TUCKER, et al.,
Defendants.

ORDER

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated April 6, 2015 (doc. 5). 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).

Instead of filing Objections, Plaintiff has moved to voluntarily dismiss this case without prejudice (doc. 6). Granting Plaintiff's motion would thwart the screening process performed by the Magistrate Judge, a process that is mandated by statute. *See* 28 U.S.C. § 1915A; 28 U.S.C. § 1915(g) (the "three strikes provision" of the Prisoner Litigation Reform Act (PLRA)). Plaintiff cannot be allowed to subvert this process, which in this case would allow him to avoid dismissal with prejudice and the imposition of a "strike" under the PLRA. *See Franklin v. Scott*, Case No. 4:12cv00418-MP-GRJ, 2012 WL 4742814, (N.D. Fla. Oct. 4, 2012) (collecting cases).

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 chief magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. The complaint is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.
3. Plaintiff's Motion and Notice of Voluntary Dismissal of Complaint (doc. 6) is

DENIED.

4. Plaintiff's Motion for Temporary Restraining Order or Preliminary Injunction (doc. 3), and any other pending motions, are **DENIED** as moot.

ORDERED on this 13th day of May, 2015.

s/L.A. Collier

Lacey A. Collier
Senior United States District Judge