

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

TYRONE L. SMITH,

Plaintiff,

v.

Case No. 3:15cv156/MCR/CJK

SERGEANT BERCH,

Defendant.

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**ORDER**

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on April 9, 2015 (doc. 5), pursuant to 28 U.S.C. § 636(b)(1)(B), and after reviewing any timely objections to the Recommendation, the Recommendation is adopted as the opinion of the court.

Accordingly, it is now ORDERED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 5) is adopted and incorporated by reference in this order.
2. This action is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), as malicious for plaintiff's abuse of the judicial process.
3. The clerk is directed to close the file.

**DONE AND ORDERED** this 18th day of May, 2015.

*s/ M. Casey Rodgers*

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**M. CASEY RODGERS**  
**CHIEF UNITED STATES DISTRICT JUDGE**