

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

KIM ANTHONY POLONCZYK,

Plaintiff,

v.

CASE NO. 3:15cv259-MCR-CJK

STATE OF FLORIDA, et al.,

Defendants.

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ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated September 5, 2017. ECF No. 9. 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 any timely filed objections.

Having considered the Report and Recommendation, and any 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** pursuant to 28 U.S.C. § 1915(e)(2)(B) for plaintiff's failure to state a claim upon which relief can be granted.
3. The clerk shall close the file.

DONE AND ORDERED this 3rd day of October, 2017.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE