

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

FERNANDO D. PAYNE,

Plaintiff,

v.

Case No. 3:15cv462/LC/CJK

LARRY R. ASHLEY, et al.,

Defendants.

_____ /

ORDER

This cause comes on for consideration of the Magistrate Judge's Report and Recommendation dated April 4, 2017 (doc. 32). 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.

After reviewing the Report and Recommendation, the Court has determined that it should be adopted.

Accordingly, it is now ORDERED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 32) is adopted and incorporated by reference in this order.

2. Plaintiff's overcrowding/unsanitary conditions-of-confinement claim against

defendants Lawson, Hanratty, Foley and Vaughn are DISMISSED WITHOUT PREJUDICE for plaintiff's failure to comply with an order of the court.

3. The clerk shall enter judgment accordingly and according to the Court's January 5, 2017 Order (doc. 27), which dismissed with prejudice plaintiff's First Amendment claims against defendants Hanratty, Foley and Vaughn under 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim on which relief may be granted, and which also dismissed with prejudice plaintiff's claims against defendant Matthews under 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim on which relief may be granted.

4. The clerk shall close the file.

DONE AND ORDERED this 4th day of May, 2017.

s/L.A. Collier
LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE