

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

LANCE JAVON SHEFFIELD,  
Inmate No. H18077,

Plaintiff,

v.

CASE NO. 3:16cv204/MCR/EMT

KENNETH TUCKER,

Defendant.

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**ORDER**

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated December 12, 2016. ECF No. 24. 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 chief magistrate judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. This cause is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as malicious and that Plaintiff be assessed a "strike" under 28 U.S.C. § 1915(e).
3. All pending motions are **DENIED** as moot.

**DONE AND ORDERED** this 5th day of January, 2017.

*s/ M. Casey Rodgers*  
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**M. CASEY RODGERS**  
**CHIEF UNITED STATES DISTRICT JUDGE**