

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

HENRY ELLIOTT STONE

Plaintiff,

v.

CASE NO. 3:16cv274/MCR/EMT

SANTA ROSA COUNTY JAIL,

Defendant.

ORDER

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated May 16, 2017. ECF No. 6. 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. 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. This dismissal is deemed a "strike" for purposes of 28 U.S.C. § 1915(g).

DONE AND ORDERED this 19th day of June, 2017.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE