

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

GERRARD D. JONES,

Plaintiff,

v.

CASE NO. 3:16cv313-MCR-CJK

SCHWARTZ, et al.,

Defendants.

_____/

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated January 12, 2017. ECF No. 60. The Plaintiff has been furnished a copy of the Report and Recommendation and 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 action is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as malicious.
3. All pending motions are DENIED as moot.
4. The clerk is directed to close the file.

DONE AND ORDERED this 31st day of January, 2017.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE