

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

**NAIL A. HARRY,**

**Plaintiff,**

**v.**

**Case No. 3:16cv680-RV-CJK**

**M. NICHOLS, et al.,**

**Defendants.**

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated December 28, 2016 (doc. 4). 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). No objections have been filed.

Having considered the Report and Recommendation, 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. Plaintiff's motion to proceed *in forma pauperis* (doc. 2) is GRANTED for the limited purpose of dismissing this action.
3. This action is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as malicious.
4. The clerk is directed to close the file.

**DONE AND ORDERED** this 21st day of February, 2017.

/s/ Roger Vinson  
**ROGER VINSON**  
**SENIOR UNITED STATES DISTRICT JUDGE**