

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

**CARL LORINZO CAPERS,**

**Plaintiff,**

**v.  
CJK**

**CASE NO. 3:17cv38-MCR-**

**LIEUTENANT GAYNOR, et al.,**

**Defendants.**

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated January 26, 2017. ECF No. 4. 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 magistrate judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. This action is DISMISSED WITHOUT PREJUDICE under 28 U.S.C. § 1915(g).
3. All pending motions are DENIED as moot.
4. The Clerk is directed to close the file.

**DONE AND ORDERED** this 27th day of February, 2017.

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