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**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.

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