

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

MICHAEL W. LAQUE,

Plaintiff,

v.

Case No. 3:17cv99-RV-CJK

MICHAEL ADKINSON, et al.,

Defendants.

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated August 9, 2017 (doc. 19). The parties have been furnished a copy of the Report and Recommendation and have 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 the timely filed objections (doc. 21).

Having considered the Report and Recommendation, and the 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. Plaintiff's Eighth Amendment claim against defendant Clark is **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B)(ii) for plaintiff's failure to state a claim upon which relief can be granted.

3. This matter is referred to the assigned Magistrate Judge for further proceedings on plaintiff's Eighth Amendment claim against defendants Adkinson, Sheppard, and Weeks.

DONE AND ORDERED this 23rd day of August, 2017.

/s/ Roger Vinson

ROGER VINSON

SENIOR UNITED STATES DISTRICT JUDGE