

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

IVAN HARVEY,

Plaintiff,

v.

CASE NO. 3:17cv139-MCR-CJK

HENNING, et al.,

Defendants.

O R D E R

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated September 18, 2017. ECF No. 8. 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 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 case is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as malicious for plaintiff's abuse of the judicial process.
3. All pending motions are **DENIED AS MOOT**.
4. The clerk is directed to close the file.

DONE AND ORDERED this 17th day of October, 2017.

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