

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

CALVIN JOPPY,
Plaintiff,

vs.

Case No.: 3:17cv194/LAC/EMT

UNITED STATES,
Defendant.

_____ /

ORDER

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated April 13, 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 the timely filed objections.

Having considered the Report and Recommendation, and the objections thereto, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The chief magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. This cause is **DISMISSED** without prejudice under 28 U.S.C.

§ 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

3. This dismissal is deemed a “strike” for purposes of 28 U.S.C. § 1915(g).
4. All pending motions are **DENIED as moot**.
5. The clerk is directed to enter judgment accordingly and close the file.

DONE AND ORDERED this 3rd day of May, 2017.

s/L.A. Collier
LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE