

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

TROY L. ROBERTS,
Inmate No. P19951,
Plaintiff,

vs.

Case No.: 3:17cv205/MCR/EMT

JUSTIN TURNER
and WALTON COUNTY,
Defendants.

ORDER

This cause comes before the Court on consideration of the Chief Magistrate Judge's Report and Recommendation dated April 10, 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). The Court has made a de novo determination of any timely filed objections.¹

Having considered the Report and Recommendation, and any objections thereto timely filed, the Court has determined that the Report and Recommendation should be adopted.

¹ Plaintiff's Motion for the Court to Take Judicial Notice, ECF No. 5, will be construed as an objection to the pending Report and Recommendation and therefore denied.

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 action is **DISMISSED WITHOUT PREJUDICE** as malicious, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).
3. Plaintiff's Motion for the Court to Take Judicial Notice, ECF No. 5, is **DENIED**.
4. The clerk shall enter judgment accordingly and close this case.

DONE AND ORDERED this 2nd day of May 2017.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE