

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

KELVIN FRAZIER,

Plaintiff,

v.

CASE NO. 3:17cv475-MCR/CJK

CAPTAIN BURCH, et al.,

Defendants.

ORDER

This cause comes on for consideration of the Magistrate Judge's Report and Recommendation dated July 21, 2017. ECF No. 5. 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). After reviewing any timely objections to the Recommendation, the Court has determined that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The Magistrate Judge's Report and Recommendation, ECF No. 5, is adopted and incorporated by reference in this Order.
2. Plaintiff's motion to proceed *in forma pauperis*, ECF No. 2, is DENIED.

3. This action is DISMISSED WITHOUT PREJUDICE under 28 U.S.C. § 1915(g).

4. The clerk is directed to close the file.

DONE AND ORDERED this 4th day of August, 2017.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE