

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

DARREL DAISE,
Inmate No. P23481,
Plaintiff,

vs.

Case No. 3:17cv496/RV/EMT

JOSEPH PURSELL and
JONATHAN ROGERS,
Defendants.

ORDER

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated October 17, 2017 (ECF No. 8). 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 timely filed objections thereto (doc. 9), I have determined that the Report and Recommendation should be adopted. The plaintiff was aware that a complaint was prepared and about to be filed. It should have been mentioned.

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** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as malicious and that Plaintiff be assessed a “strike” under 28 U.S.C. § 1915(e).

DONE AND ORDERED this 7th day of November, 2017.

/s/ Roger Vinson

ROGER VINSON

SENIOR UNITED STATES DISTRICT JUDGE