

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

ERIC MITCHELL,  
Plaintiff,

vs.

Case No.: 3:17cv962/LAC/EMT

MARANDA BERRY, et al.,  
Defendants.

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**ORDER**

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated January 18, 2018 (ECF No. 6). 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 considered Plaintiff's Motion Fo[r] Reconsideration as timely filed objections and have made a de novo determination of the 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. The complaint is **DISMISSED** without prejudice pursuant to 28 U.S.C.

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

3. All pending motions are denied as moot.

**DONE AND ORDERED** this 14<sup>th</sup> day of February, 2018.

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