

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

LARRY MARSHALL NOLES,
Inmate No. 9991058837

Plaintiff,

v.

CASE NO. 3:18cv788/MCR/EMT

GIOVANNI GELANO, et al.,

Defendants.

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ORDER

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated June 21, 2018. ECF No. 11. 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 any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, 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** pursuant to 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).

DONE AND ORDERED this 21st day of August 2018.

s/ M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE