

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

OTIS D. BLAXTON,

Plaintiff,

v.

4:08cv350-WS

BOCA GRANDE FOODS, et al.,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation docketed October 3, 2008. See Doc. 14. The magistrate judge recommends that the plaintiff's amended complaint be dismissed for failure to state a claim. The plaintiff has filed objections (doc. 15) to the report and recommendation.

The court having considered the record in light of the plaintiff's objections, it is
ORDERED:

1. The magistrate judge's report and recommendation (doc. 21) is ADOPTED and incorporated by reference into this order.
2. The plaintiff's amended complaint and this action are hereby DISMISSED for failure to state a claim.
3. The clerk is directed to enter judgment of dismissal and to note on the docket that this case has been dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), (ii).

DONE AND ORDERED this 12th day of November, 2008.

s/ William Stafford _____
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE