

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

OTIS D. BLAXTON ,

Plaintiff,

vs.

Case No. 4:08-CV-351-SPM

KEEFE, et al,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court upon the Magistrate Judge's Report and Recommendation (doc. 17). The parties have been furnished a copy and have been afforded an opportunity to file objections. Defendant has filed objections (doc. 20).

Pursuant to Title 28, United States Code, Section 636(b)(1), this Court has made a *de novo* determination of those portions to which an objection has been made. Even in light of the "Haines rule"¹, which prescribes a liberal construction of *pro se* inmate filings, Defendant's claims lack merit. The Magistrate Judge carefully considered the factual history available to him in making his decision,

¹ Haines v. Kerner, 404 U.S. 519 (1972).

and *even* considering all facts in the light most favorable to Defendant, the motion fails to state a claim for relief. No Constitutional right has been denied, nor has a miscarriage of justice occurred.

Defendant's objections do not rise to the level of showing entitlement to any relief. The "objections" filed by Plaintiff consist of accusations of bias toward pro se litigants. However, Defendant has not demonstrated any legal or factual error in the Magistrate's Report or the findings contained therein. Plaintiff's reference to 15 United States Code Section 6802 is wholly irrelevant to the matter at issue in this case. In addition, the Court finds that no trial is required and no attorney will be appointed. Furthermore, this Court finds that there is no basis upon which to disqualify the Magistrate Judge or his evaluation of this matter. Accordingly, it is ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 17) is adopted and incorporated by reference in this order.
2. Defendant's amended complaint (doc. 14) is hereby **dismissed with prejudice**.

DONE AND ORDERED this sixth day of May, 2009.

s/ Stephan P. Mickle

Stephan P. Mickle
United States District Judge