

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

RAYVON BOATMAN,

Plaintiff,

v.

CASE NO. 4:09cv55-SPM/AK

JOHN DOE, DIRECTOR OF
DEPARTMENT OF CHILDREN et al.,

Defendants.

ORDER

THIS CAUSE comes before the court on the magistrate judge's report and recommendation dated April 21, 2009 (doc. 4). Plaintiff has filed an objection (doc. 7) pursuant to Title 28, United States Code, Section 636(b)(1).

I have determined that the report and recommendation should not be adopted because the Prison Litigation Reform Act of 1995 does not apply to Plaintiff. See Troville v. Venez, 303 F.3d 1256 (11th Cir. 2002) (a civil detainee is not a "prisoner" for purposes of 28 U.S.C. § 1915). Accordingly, it is

ORDERED AND ADJUDGED:

1. The Report and Recommendation (doc. 4) will not be adopted.
2. The clerk shall refer this case to the magistrate judge for further

proceedings.

DONE AND ORDERED this 8th day of January, 2010.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge