

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

ALAN BOYD CURTIS,

Plaintiff,

vs.

Case No. 4:09cv76-SPM/WCS

United States, et al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court upon the Magistrate Judge's Report and Recommendation (doc. 9). Plaintiff was furnished a copy and has filed an objection. 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. Despite Plaintiff's numerous objections, this Court finds that the Report and Recommendation is legally accurate and should be adopted.

Accordingly, it is ORDERED AND ADJUDGED:

1. The Magistrate Judge's Report and Recommendation (doc. 9) is ***adopted and incorporated*** by reference into this order.
2. Plaintiff's complaint is hereby ***dismissed without prejudice*** for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2).

3. The Clerk of Court shall note on the docket that this cause was dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and thereby constitutes a “strike” within the meaning of 28 U.S.C. §1915(g).
4. The Clerk of Court is instructed to close this case.

DONE AND ORDERED this fourth day of June, 2009.

s/ Stephan P. Mickle

Stephan P. Mickle
United States District Judge