

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

KENNETH LEE WEINBERG,

Plaintiff,

vs.

CASE NO. 4:09cv256/RS-WCS

SERGEANT LEE, et al,

Defendants.

ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 42). Plaintiff has not filed objections despite the extension of time (Doc. 50) for filing objections to the Magistrate Judge's Report and Recommendation not later than April 25, 2011.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and is incorporated in this Order.
2. Defendants' Motion for Summary Judgment (Doc. 26) is granted. The clerk is directed to enter judgment in favor of Defendants and to note that pursuant to 28 U.S.C. §1915(e)(2)(B)(i), this case was found to be frivolous.
3. The clerk is directed to close the file.

ORDERED on May 3, 2011.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE