

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

CHRISTOPHER C. CARTER,

Plaintiff,

vs.

CASE NO.: 4:10-cv-34-SPM/WCS

LEE, 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. 53), which recommends that the Motion for Summary Judgment (doc. 48) be granted. The Parties have been furnished a copy and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). No objections have been filed. Having considered the Report and Recommendation, it is hereby ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 53) is ***adopted*** and incorporated by reference in this order.
2. The Motion for Summary Judgment (doc. 48) is granted and judgment shall be entered in favor of Defendant Lee.
3. The Clerk of Court shall note on the docket that this cause was dismissed as malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) 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 twenty-sixth day of July, 2011.

*s/ Stephan P. Mickle*

Stephan P. Mickle

Senior United States District Judge